

Also, a bill (H. R. 11733) granting a pension to Daniel W. Weida—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11734) granting a pension to John H. Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11735) granting an increase of pension to J. V. Dickinson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Dubuque Typographical Union, No. 22, of Dubuque, Iowa, favoring the passage of Senate bill No. 2814, in the interest of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. ALLEN of Maine: Petitions of C. E. Ward and 21 other citizens of Cumberland and L. W. Dyer and 17 others, of Falmouth, Me., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. BARTHOLDT: Petition of A. H. Coussens, druggist, and 10 citizens of St. Louis, Mo., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of Pattern Makers' Association of St. Louis, Mo., for the building of one or more new war ships in Government navy-yards—to the Committee on Naval Affairs.

By Mr. BELLAMY: Petition of William Niestle, of Wilmington, N. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BOUTELLE of Maine: Petition of A. J. Fulton and other druggists of Blaine, Me., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BULL: Papers to accompany House bill No. 7580, granting a pension to Samuel N. Haskins—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Sister Louise, in charge of Providence Hospital, Washington, D. C., asking for an appropriation to build and equip an addition to the hospital—to the Committee on Appropriations.

By Mr. LORIMER: Petitions of 2,300 citizens of Chicago, Ill., favoring the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany House bill to increase the pension of Fannie A. Sullivan—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Resolutions of Robinson Post, No. 261, Department of Nebraska, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, affidavit to accompany House bill No. 11560, to increase the pension of Ralph D. Parsons—to the Committee on Invalid Pensions.

By Mr. NORTON of South Carolina: Resolutions of the Southern Industrial Convention, Huntsville, Ala., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. T. Douglas & Bro., of Bennettsville, S. C., for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

SENATE.

MONDAY, May 21, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

AFFAIRS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate:

In response to the following resolution of the Senate of April 28, 1900: "Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to inform the Senate whether General Torres, one of the officers of the Philippine army, came to General Otis with a flag of truce on February 5, 1899, the day after the fighting commenced between our forces and those of the Filipinos, and stated to General Otis that General Aguinaldo declared that fighting had been begun accidentally and was not authorized by him, and that Aguinaldo wished to have it stopped, and that to bring about a conclusion of hostilities he proposed the establishment of a neutral zone between the two armies of a width that would be agreeable to General Otis, so that during the peace negotiations there might be no further danger of conflict between the two armies, and whether Gen-

eral Otis replied that fighting having once begun must go on to the grim end. Was General Otis directed by the Secretary of War to make such an answer? Did General Otis telegraph the Secretary of War on February 9, 1899, as follows: 'Aguinaldo now applies for a cessation of hostilities and conference. Have declined to answer?' And did General Otis afterwards reply? Was he directed by the Secretary of War to reply, and what answer, if any, did he or the Secretary of War make to the application to cease fighting?"

"The President is also requested to inform the Senate whether the flag of the Philippine republic was ever saluted by Admiral Dewey or any of the vessels of his fleet at any time since May 1, 1898. Did Admiral Dewey, at the request of Aguinaldo or any officer under him, send the vessels *Concord* and *Raleigh* to Subig Bay to assist Aguinaldo's forces in the capture of the Spanish garrison at that place? Did said vessels assist in the capture of the Spanish garrison, and after the surrender did they turn the prisoners thus taken over to the Philippine forces?"

I herewith transmit a copy of a cable dispatch to General Otis dated April 30, 1900, and of his reply, dated May 1, 1900.

General Otis was not directed by the Secretary of War to make such an answer as is set forth in the resolution, nor were any answers to communications upon the subject of the cessation of hostilities prescribed by the Secretary of War to General Otis, but he was left to exercise, in respect thereof, his own judgment, based upon his superior knowledge of the conditions surrounding the troops under his command.

I also transmit a copy of a cable dispatch from General Otis, sent from Manila February 8, 1899, received in Washington February 9, 1899, being the same dispatch to which he refers in his reply of May 1, 1900, as misleading. So far as I am informed, General Otis did not afterwards reply, except as set forth in his said dispatch of May 1, 1900. He was not directed by the Secretary of War to reply, and no answer was made by him or the Secretary of War to an application to cease fighting. There appears to have been no such application.

I further transmit a copy of a letter from the Secretary of the Navy to Admiral George Dewey, dated May 14, 1900, and a copy of the Admiral's reply, dated May 17, 1900.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 19, 1900.

MILK AND CREAM IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 19th ultimo, a letter from the health officer of the District of Columbia, accompanied by a detailed report from J. P. Turner, V. M. D., inspector of live stock and dairy farms, and also a detailed report from J. D. Hird, M. A., inspector of dairy products and chemist, relative to the quality and condition of milk and cream sold in the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 321) for the relief of the legal representatives of Samuel Tewksbury, deceased;

A bill (H. R. 427) for the relief of heirs of Mrs. Tellisse W. Wilson;

A bill (H. R. 827) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.;

A bill (H. R. 1860) for the relief of the trustees of Carson-Newman College, at Mossycreek, Tenn.;

A bill (H. R. 1871) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee;

A bill (H. R. 1889) for the relief of the trustees of Holston Seminary, at Newmarket, Tenn.;

A bill (H. R. 1959) for the relief of the heirs of George W. Saulpaw;

A bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company;

A bill (H. R. 2619) for the relief of Agnes and Maria De Leon;

A bill (H. R. 3020) for the relief of Rev. William T. McElroy;

A bill (H. R. 3599) for the relief of Lewis M. Millard;

A bill (H. R. 3799) for the relief of Stanley Snodgrass, of Jefferson County, Miss.;

A bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard, deceased;

A bill (H. R. 5355) for the relief of John D. Hale, of Tilford, Meade County, S. Dak.;

A bill (H. R. 5755) for the relief of William Wolfe;

A bill (H. R. 6230) for the relief of Robert Smalls; and

A bill (H. R. 7483) for the relief of James T. Ellis, of Rankin County, Miss.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 231) for the relief of John Dailey;

A bill (H. R. 628) for the relief of Hamilton M. Sailors; and

A bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased; and

A bill (H. R. 5874) to pay H. P. Dyer for carrying mail.

The bill (H. R. 149) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which

letters patent were ordered to issue to him March 25, 1852, was read twice by its title, and referred to the Committee on Patents. The bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims was read twice by its title, and referred to the Committee on Indian Depredations.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. Mr. President, the Senator from Wisconsin [Mr. SPOONER] gave a notice, which stands on the Calendar, that he would address the Senate to-day at 2 o'clock upon the unfinished business. The Senator from Wisconsin has asked me to state that although he fully intended to speak to-day at that hour, and was prepared to do so, he is unavoidably and imperatively detained from the Senate to-day, but that he wishes to renew the notice for the same hour to-morrow. He will address the Senate on the unfinished business at 2 o'clock to-morrow.

PETITIONS AND MEMORIALS.

Mr. PRITCHARD presented a petition of the North Carolina Dental Association, praying for the passage of Senate bill No. 269, to amend the statutes relating to patents; which was referred to the Committee on Patents.

Mr. CHANDLER presented sundry petitions of citizens of New Jersey, praying for the passage of Senate bill No. 4252, for the prevention of the denial or abridgement of the right of citizens of the United States to vote, on account of color; which were referred to the Committee on Privileges and Elections.

Mr. McMILLAN presented a petition of sundry citizens of Detroit, Mich., and a petition of the Epworth League and the Woman's Friendly Missionary Society of Paw Paw, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Sullivan County, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a memorial of the National Patriotic Federation, remonstrating against any further appropriation being made for Providence Hospital, and praying for the establishment of a municipal hospital for the District of Columbia; which was referred to the Committee on Appropriations.

Mr. COCKRELL presented a petition of the State League of Local Building and Loan Associations of Missouri, praying that an appropriation of \$5,000,000 be made for the holding of the World's Fair in 1903 at the city of St. Louis, in that State; which was referred to the Select Committee on Industrial Expositions.

Mr. HOAR presented a petition of the Young People's Christian Union, of Canton, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the congregation of the Baptist Church of Towanda, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. CARTER presented a petition of the Woman's Club of Deer Lodge, Mont., praying for the enactment of legislation to prohibit the desecration of the national flag; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented resolutions adopted by the Grand Army of the Republic, Department of Connecticut, favoring the passage of the bill (S. 2861) to relieve pensioners and Congress by the establishment of a court of pension appeals, and for other purposes; which were referred to the Committee on Pensions, to accompany the bill.

He also presented a petition of the United National Association of Post-Office Clerks of New Haven, Conn., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Crockery Board of Trade of New York City, praying for the enactment of legislation providing that the maximum limit of pay of examiners at the port of New York shall be \$4,000 instead of \$2,500; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the congregations of the Baptist, Congregationalist, Methodist, and Methodist Episcopal churches, all of Belchertown, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Executive Board of United Mine Workers of America, praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

ADDRESS ON IMPERIALISM.

Mr. CULBERSON. I ask unanimous consent to have printed in the RECORD an extract from an address delivered by Mr. Justice Brewer before the Liberal Club of Buffalo on the subject of imperialism.

Mr. HAWLEY. What is the request?

The PRESIDENT pro tempore. The request of the Senator from Texas is that there be printed in the RECORD an address by Mr. Justice Brewer on imperialism.

Mr. HAWLEY. Mr. President, I used to serve upon the Committee on Printing. I see no end to this printing in the RECORD of stray addresses and newspaper articles. I consider it on the whole an abuse.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

REPORTS OF COMMITTEES.

Mr. BACON, from the Committee on the Judiciary, reported an amendment providing for the distribution to each of the places where terms of circuit or district courts of the United States are held of one complete set of Federal Cases, with digest, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3572) for the relief of Henry C. Rhoades, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on the 11th instant, directing the Secretary of War to furnish one complete set of the Official Records of the Union and Confederate armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress, intended to be proposed to the sundry civil appropriation bill, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report adversely for indefinite postponement three several bills. They are reported adversely because the subject-matters have been taken care of in other bills.

The bills were indefinitely postponed, as follows:

A bill (S. 4511) concerning allotments of pay of enlisted men of the Army;

A bill (S. 20) making an appropriation to enlarge the military post of Fort Meade, near the city of Sturgis, in the State of South Dakota; and

A bill (S. 3285) to provide permanent buildings for the military post at Fort Meade, near Sturgis, S. Dak.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 4259) granting an increase of pension to Alice Worthington Winthrop, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7950) for the extension of Columbia road east of Thirteenth street, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3205) for the relocation of certain tracks of street railways in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 4781) relating to certain railway corporations owning or operating street railways in the District of Columbia; which was read twice by its title.

Mr. KEAN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. CLARK on the 18th instant, proposing to appropriate \$318 to reimburse William A. Richards, late surveyor-general of Wyoming, for losses incurred by him through a cloud-burst in the Shoshone Indian Reservation, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN. I submit a supplementary report from the Committee on Inter-oceanic Canals, to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, and also present certified copies of three acts of the legislature of New Jersey. I move that the report and accompanying papers be printed as a document.

The motion was agreed to.

Mr. MCBRIDE, from the Committee on Coast Defenses, reported an amendment proposing to appropriate \$92,680 for material, power lathes, tools, etc., for repairs to guns and carriages, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Public Lands, reported an

amendment proposing to appropriate \$5,000 to enable the Secretary of the Interior to ascertain what persons made entry to lands within the limits of any wagon-road or railroad land grant in the State of Oregon, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WOLCOTT, from the Committee on Finance, to whom was referred the bill (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co., reported it with an amendment, and submitted a report thereon.

LANDS AT NAVAL ACADEMY.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the resolution submitted by Mr. McCOMAS on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate. That the papers from the authorities of the city of Annapolis, State of Maryland, which include certain correspondence of the proper United States naval authorities relative to the acquisition of certain lands adjoining the United States Naval Academy grounds, submitted to the Senate January 24, 1900, be printed, without maps or diagrams, as a Senate document.

AGRICULTURAL DEPARTMENT BULLETIN.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That there be printed 17,500 copies of Bulletin No. 20 of the Division of Vegetable Physiology and Pathology, United States Department of Agriculture—Peach Leaf Curl: Its Nature and Treatment—the same to be printed from the stereotype plates in the Government Printing Office, 10,000 copies to be distributed by the Department of Agriculture, 2,500 copies to be distributed by the members of the Senate, and 5,000 copies to be distributed by the members of the House of Representatives.

CRUISE OF REVENUE CUTTER BEAR.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution from the House of Representatives for printing copies of the Cruise of the Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean from November 27, 1897, to September 13, 1898, to report it with amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 8,500 copies of the Cruise of the U. S. Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean from November 27, 1897, to September 13, 1898, being Treasury Department Document No. 2101, Division of Revenue-Cutter Service, 5,000 copies for the use of the House of Representatives, 2,500 copies for the use of the Senate, and 1,000 copies for the use of the Division of Revenue-Cutter Service, Treasury Department.

The amendments of the committee were, in line 3, to strike out "8,500" and to insert "5,000;" in line 11, to strike out "5,000" and insert, "2500;" and in line 12, before "thousand," to strike out "two" and insert "one."

Mr. COCKRELL. Now, let the concurrent resolution be read as proposed to be amended.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed 5,000 copies of the Cruise of the United States Revenue Cutter *Bear* and the Overland Expedition for the Relief of the Whalers in the Arctic Ocean, from November 27, 1897, to September 13, 1898, being Treasury Department Document No. 2101, Division of Revenue-Cutter Service, 2,500 copies for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 1,000 copies for the use of the Division of Revenue-Cutter Service, Treasury Department.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

REPORT OF PHILIPPINE COMMISSION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Massachusetts [Mr. LODGE] on the 16th instant, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That of each of the remaining volumes of the Philippine Commission's report there shall be printed and bound 15,000 copies, 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives;

That, in addition thereto, there be printed 1,500 copies of each for the use of the Philippine Commission;

That, for the special use of the Department of State, there be printed of the full report 200 copies on 70-pound paper and bound in half morocco; and That of the supplement to the commission's report there be printed, for the use of the Department of State, 1,500 copies in royal octavo and bound in half morocco.

The amendments of the committee were:

On line 4, strike out all after the word "bound" down to and including the word "Representatives," on line 6.

On line 7, strike out the words "that, in addition thereto, there be printed."

On line 12, after the word "and," insert "500 copies of the second and subsequent volumes, to be bound in brown cloth, uniform with the first volume, for distribution by the Department of State."

On line 16, after the word "morocco," add "Provided, That the printing and binding of the report of the Philippine Commission under the concurrent resolution of February 23, 1900, shall not include this supplement."

Mr. COCKRELL. I should like to hear the resolution read as it is proposed to be amended.

The Secretary read the concurrent resolution as proposed to be amended, as follows:

Senate Concurrent Resolution No. 62.

Resolved by the Senate (the House of Representatives concurring). That of each of the remaining volumes of the Philippine Commission's report there shall be printed and bound 1,500 copies of each for the use of the Philippine Commission.

That, for the special use of the Department of State, there be printed of the full report 200 copies on 70-pound paper and bound in half morocco; and 500 copies of the second and subsequent volumes, to be bound in brown cloth, uniform with the first volume, for distribution by the Department of State.

That of the supplement to the commission's report there be printed, for the use of the Department of State, 1,500 copies in royal octavo and bound in half morocco: *Provided*, That the printing and binding of the report of the Philippine Commission under the concurrent resolution of February 23, 1900, shall not include this supplement.

Mr. ALLEN. Let the resolution go over.

The PRESIDENT pro tempore. The concurrent resolution will go to the Calendar.

COURTS IN TEXAS.

Mr. PETTUS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8369) to detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes, to report it favorably without amendment, and recommend that it be presently considered.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. ROSS (for Mr. PROCTOR) on the 18th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings before the Committee on Agriculture and Forestry, April 23, 1900, relative to proposed pure-food legislation, be paid from the contingent fund of the Senate.

HEARINGS ON POST-OFFICE APPROPRIATION BILL.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WOLCOTT on the 15th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings before the Committee on Post-Offices and Post-Roads on the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, be paid from the contingent fund of the Senate.

J. M. RICHARDSON, DECEASED.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MALLORY on the 16th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sarah H. Merchant and Irene I. McCreary, sisters of J. M. Richardson, deceased, late a clerk to the Hon. S. R. Mallory, of Florida, a sum equal to six months' salary at the rate paid by law to said clerk, said sum to include funeral expenses and all other allowances.

EMPLOYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. CULLOM on the 16th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the hearings held and to be held by the Committee on Interstate Commerce be paid from the contingent fund of the Senate.

PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PLATT of New York on the 10th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved. That the stenographer employed to report the testimony taken by the Committee on Printing in relation to the Messages and Papers of the Presidents be paid from the contingent fund of the Senate.

STENOGRAPHER FOR COMMITTEE ON TERRITORIES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was submitted the resolution submitted by Mr. SHOUP on the 17th instant,

reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report the hearings held and to be held by the Committee on Territories, on bills referred to that committee, be paid from the contingent fund of the Senate.

ISTHMIAN CANAL INVESTIGATION.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 18th instant, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Interoceanic Canals be, and are hereby, instructed to inquire, examine, and report whether any and what combination of persons or of any corporations is formed, or is in process of formation, or is engaged in any plan or enterprise having for its purpose the monopoly or control of any ship canal or railway across the Isthmus of Darien, at Panama, or in the States of Nicaragua and Costa Rica; that said committee will ascertain and report whether such combination or agreement is obstructive of the policy of the United States to own and control a ship canal across the Isthmus of Darien, or whether it is designed or contemplated by such agreement to interfere with or to hinder or obstruct the United States Government in its diplomatic or other intercourse with any foreign government on the subject of a ship canal across such isthmus, or whether such action on the part of such persons would have such effect if it is or shall hereafter be carried into execution.

Resolved, SECTION 1. That the Committee on Interoceanic Canals be, and are hereby, instructed to inquire, examine, and report whether any and what combination of persons or of any corporations is formed, or is in process of formation, or is engaged in any plan or enterprise having for its purpose the monopoly or control of any ship canal or railway across the Isthmus of Darien, at Panama, or in the States of Nicaragua and Costa Rica; that said committee will ascertain and report whether such combination or agreement is obstructive of the policy of the United States to own and control a ship canal across the Isthmus of Darien, or whether it is designed or contemplated by such agreement to interfere with or to hinder or obstruct the United States Government in its diplomatic or other intercourse with any foreign government on the subject of a ship canal across such isthmus, or whether such action on the part of such persons would have such effect if it is or shall hereafter be carried into execution.

SEC. 2. Said committee is instructed to inquire and report whether such plan or purpose as is mentioned or described in section 1 of these resolutions has the sanction of the laws of the State of New Jersey or any other State of this Union, and whether under such laws such corporation, or other association of persons, claims the authority to interfere with the laws, or to control the rights of the people of France, or any other foreign country, in respect of any isthmian canal, or to exercise any corporate or other powers, rightfully or otherwise, in every such country; and whether the toleration of such pretensions and efforts by the Government of the United States is calculated to embarrass the friendly intercourse of the United States with France, or any other foreign country.

SEC. 3. That said committee is further directed to inquire and report whether every such plan or effort as is mentioned or described in section 1 of these resolutions is being promoted or has been promoted by the use of money in the United States, or elsewhere, or by issues, or promises to issue the bonds, or stocks, or scrip, or debentures of any corporation in the United States, or in France, or in any other country; and, generally, to investigate such transactions, so as to reach the real merits of the same and the conduct and purposes of the persons or corporations engaged in the same, to ascertain whether the same are honest or dishonest, or are lawful or unlawful.

SEC. 4. In executing the orders contained in these resolutions said committee may hold its sessions during the sessions of Senate, or in the vacation or recess of Congress; and such sessions may be held, on the call of the chairman of the committee, at any place in the United States.

SEC. 5. The committee is empowered to send for persons and papers, and to examine witnesses under oath, to be administered by the chairman, or by any member of the committee; and for the purpose of conducting the examination of witnesses, and by order of the committee, three members thereof shall constitute a quorum.

SEC. 6. The committee may employ stenographers to take down and report the testimony of the witnesses, and may cause the same to be printed, from time to time, and in confidence, for the use of the committee, at the Government Printing Office, in Washington, D. C.

SEC. 7. The necessary expenses of travel of the committee, its clerk, and stenographer, and for stationery, and for the attendance and travel of witnesses shall be paid out of the contingent fund of the Senate, on the certificate of the chairman of the committee.

Mr. TELLER. What is the purpose of the proposed examination?

The PRESIDENT pro tempore. It is an examination to be made by the Committee on Interoceanic Canals.

Mr. TELLER. I think the resolution had better be read again. I do not think anyone heard it.

The Secretary again read the resolution.

Mr. HOAR. I suggest to my honorable friend from Alabama that instead of saying, "Three members of the committee shall constitute a quorum," the phrase be, "Any subcommittee of their number shall have the power of the full committee." That is the fashion now, and it has the advantage that two subcommittees may sometimes be in session at the same time. It is very convenient in these investigations to have that done; and it also makes it really a committee, and not a subcommittee of the committee.

Mr. MORGAN. We have nine members of this committee, and we could have three subcommittees if we wanted to have subcommittees conduct the examination.

Mr. HOAR. I understand; but if the Senator says that three shall constitute a quorum you can only have—

Mr. MORGAN. A quorum to conduct the examination.

Mr. HOAR. You can not have three quorums of the same committee going on at the same time.

Mr. MORGAN. I think we could.

Mr. HOAR. I do not think so.

Mr. MORGAN. I have no objection to the amendment.

Mr. HOAR. I move to amend by striking out, in lines 13 and 14 on page 3, the words:

Three members thereof shall constitute a quorum.

And inserting the words:

Any subcommittee of said committee shall have the powers of the full committee.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 283) in reference to the civil service and appointments thereunder.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1101) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 6) for the relief of James H. Latham;

A bill (S. 906) to provide an American register for the steamer *Esther*, of New Orleans;

A bill (S. 1066) granting an increase of pension to Margaret B. Shipp;

A bill (S. 1890) granting an increase of pension to Sarah E. Tradewell;

A bill (S. 4129) to detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee;

A bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port;

A bill (H. R. 92) to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse;

A bill (H. R. 527) granting a pension to Lucy D. Young;

A bill (H. R. 548) granting a pension to Edward Harris;

A bill (H. R. 969) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888;

A bill (H. R. 1625) granting an increase of pension to Mary B. Douglass;

A bill (H. R. 2621) granting a pension to Ida Wiederhold;

A bill (H. R. 2634) granting an increase of pension to Erasmus Darwin Steen;

A bill (H. R. 2708) granting an increase of pension to Cornelia B. Chauncey;

A bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Teckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers;

A bill (H. R. 3490) granting an increase of pension to Freeman H. Farr;

A bill (H. R. 3514) granting an increase of pension to Mary A. C. Kargler;

A bill (H. R. 3778) granting an increase of pension to Ellsey A. Stone;

A bill (H. R. 4086) granting an increase of pension to Jeremiah Lockwood;

A bill (H. R. 4355) granting an increase of pension to Oren E. Barber;

A bill (H. R. 4398) granting a pension to Julius Vogt;

A bill (H. R. 4422) granting an increase of pension to William H. Brookins;

A bill (H. R. 4440) granting an increase of pension to Harriet L. Hughes;

A bill (H. R. 4649) granting a pension to William Bates;

A bill (H. R. 4760) granting an increase of pension to Samuel G. Stein;

A bill (H. R. 5552) for the relief of Northrup & Chick and also of Thomas N. Stinson;

A bill (H. R. 6494) granting an increase of pension to Dorus N. Fox;

A bill (H. R. 7180) granting an increase of pension to Amelia A. Taylor;

A bill (H. R. 7230) granting an increase of pension to Roxie B. Salter;

A bill (H. R. 7740) to amend section 8 of the act of Congress entitled "An act to authorize the Fort Smith and Western Railway Company to construct and operate a railway through the Choctaw and Creek nations in the Indian Territory, and for other purposes;"

A bill (H. R. 7975) granting an increase of pension to William F. Riley;

A bill (H. R. 8107) granting a pension to Nancy W. Hadley;

A bill (H. R. 8389) granting an increase of pension to Martin D. Miller;

A bill (H. R. 8799) granting an increase of pension to William Feek;

A bill (H. R. 8801) granting an increase of pension to William H. H. MacDonald;

A bill (H. R. 9163) granting a pension to Fergusson M. Benton;
 A bill (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak.;
 A bill (H. R. 9643) granting a pension to Ada E. Whaley; and
 A bill (H. R. 9751) granting an increase of pension to David H. Drake.

CIVIL-SERVICE APPOINTMENTS.

Mr. HOAR. I ask unanimous consent that the bill just returned from the House be recommitted to the Committee to Examine the Several Branches of the Civil Service. I am authorized by the committee to make that request.

The PRESIDENT pro tempore laid before the Senate the bill (S. 283) in reference to the civil service and appointments thereunder, returned from the House of Representatives in compliance with the request of the Senate.

Mr. HOAR. I move that the bill be recommitted to the Committee to Examine the Several Branches of the Civil Service. That committee reported the bill originally.

The motion was agreed to.

ESTATE OF THOMAS P. BLAIR, DECEASED.

The PRESIDENT pro tempore. The Chair lays a bill before the Senate from the House of Representatives, and calls the attention of the Senator from Nevada [Mr. STEWART] to it.

The bill (H. R. 2156) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, was read the first time by its title.

Mr. STEWART. A Senate bill in the same language, reported by the Senate Committee on Claims, is on the Calendar. I ask that the House bill be substituted for the Senate bill, and that the House bill be put upon its passage.

Mr. COCKRELL. Let it be read for information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oliver M. Blair, administrator of Thomas P. Blair, deceased, late of Cumberland County, Pa., the sum of \$32,000, being for 25,000 bushels of oats at 80 cents per bushel, and 12,000 bushels of corn at \$1 per bushel, sold and delivered to the United States Government.

Mr. PLATT of Connecticut. I should like to have some explanation of the bill.

Mr. STEWART. I can explain it in a second. Blair was ordered by the War Department, under an arrangement made with the officers, to deliver this oats and corn at a designated warehouse. The Government furnished the bags in which to put it. After it was delivered at the warehouse the Department apprehended that it might be captured by the Confederate forces, and sent word to him to have it shipped to Harrisburg, and before that could be accomplished Lee's army captured the oats and corn. He afterwards applied to the War Department for pay for it, but was told that it would require some action by Congress. The claim appears to be perfectly straight. The oats and corn were delivered in the bags provided by the Government and put in the warehouse designated, and captured before the Government had made use of it.

Mr. COCKRELL. When was this?

Mr. STEWART. I can not give the exact date, but it was in the summer of 1863, just before the battle of Gettysburg. It was when Lee's army moved up there.

Mr. MASON. I should like to ask the Senator if the bill has been considered by the Committee on Claims?

Mr. STEWART. It has been; it was discussed there at length and reported favorably. The report was pretty nearly unanimous.

Mr. MASON. The Senate Committee on Claims?

Mr. STEWART. The Senate Committee on Claims. It was thoroughly discussed there and favorably reported.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN CALIFORNIA.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back favorably without amendment House bill 9879. It is a mere change of the districts of California, and I ask unanimous consent for its present consideration.

The Secretary read the bill (H. R. 9879) to detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California, to divide said southern district of California into two divisions, and to provide for holding the terms of court at the city of Prescott and the city of Los Angeles.

Mr. CARTER. Mr. President, I should like, with the permission of the chairman of the committee, to make an inquiry regarding the bill, which is prompted by experience. In the case of the United States vs. Rosencrans, which was a prosecution for

the robbery of the mails in the northern division of the district of Montana, the indictment was found in the southern division. The question was as to whether an indictment in the southern division, which was made up of certain stipulated counties, was valid when based upon an offense committed in the northern division. That case was appealed to the Supreme Court of the United States, and owing to the peculiar wording of the Montana statute creating the divisions, the Supreme Court held that the indictment was good in that case, but a perusal of the opinion of the court makes it quite clear that with a slight variation of language the indictment would have been held invalid.

There is another feature connected with this division matter, which arises from the experience of two divisions in one district—that is, the transfer of a cause from one division of a district to another division for the trial; and, second, the inability of the court sitting in one division to pass upon an interlocutory motion for the purpose of bringing causes to issue that are pending in another division of the district. It will be found, I think, that the business of the court will be greatly expedited if, while the court is in session in the southern division, a demurrer or a motion pending in the northern division may be presented to the court sitting in the southern division, and that authority be given to enter the proper order.

Mr. HOAR. I understand the Senator's point; and I think he will find the matter referred to is taken care of in the bill.

Mr. CARTER. I ask for information.

Mr. HOAR. The Constitution of the United States provides in substance—I can not quote the exact language at this moment—that no person shall be tried for any offense except in a district previously ascertained by law. As to all offenses committed after this act goes into effect, of course there will be no difficulty, and as to all offenses committed before the act goes into effect they are to be tried in the district—in one or the other of the divisions of the district—according as the offense was committed, but those divisions are both entirely contained in the old previously ascertained district. So that there would be no constitutional difficulty about the matter.

Mr. CARTER. I understand from the Senator, then, if an offense is committed in the northern division—I believe the designations are the northern and southern divisions of the district—

Mr. HOAR. Then it must be tried there.

Mr. CARTER. The indictment must be found in the northern division and the accused must be tried there; and the further proposition presented is, Can the defendant under this act procure a change of venue to the southern division of the district?

Mr. HOAR. He would have the same right of change of venue as is provided for under the general statutes of the United States. There is nothing in this bill which deals with the question of change of venue at all.

Mr. CARTER. But the point is, I think, that the division of the district ought not to interfere with the right of a defendant or a litigant to secure a jury selected from the district at large. It sometimes becomes quite apparent, particularly in criminal prosecutions, that a transfer from the immediate vicinity where the crime is committed is desirable; and now, if this defendant can not secure a transfer of his cause to the other division of the district, it would work a hardship. Where an offense is committed in Montana a transfer can be secured.

Mr. HOAR. It can be transferred to either district under the general law.

Mr. CARTER. I think we procured, with the approval of the Judiciary Committee, an amendment to the Montana act which provided that causes might be transferred in the interest of justice from one division to the other.

Mr. ALLEN. I rise to a parliamentary inquiry, Mr. President. The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. ALLEN. Under what order is this debate proceeding?

Mr. HOAR. It is proceeding, as I understand, under an order of the Senate, given by unanimous consent, that the bill be now considered.

Mr. ALLEN. I do not so understand.

Mr. HOAR. But I certainly shall not undertake to abuse that privilege if the bill is to lead to extended debate.

Mr. ALLEN. Has unanimous consent been given for the consideration of the bill?

The PRESIDENT pro tempore. It has not.

Mr. HOAR. I thought it had been. I was, however, going on to say that I should not undertake to abuse such a privilege if the bill should lead to a long debate.

Mr. ALLEN. I call for the regular order.

Mr. HOAR. I wish the Senator would allow me to finish my sentence.

The PRESIDENT pro tempore. The regular order is the request of the Senator from Massachusetts for the present consideration of the bill.

Mr. HOAR. May I be permitted to say that I should not undertake to avail myself of such an order to go on with debate? If it

shall turn out that any Senator wishes to debate the bill at length, I will withdraw the matter at once.

Mr. ALLEN. I think it is rather an abuse to take up the morning hour in the consideration of contested bills when there is other business which should be properly transacted at this time. If, however, the bill does not lead to any further debate, I shall not object.

Mr. HOAR. I will withdraw the request for the consideration of the bill if it leads to further debate.

Mr. CARTER. My inquiry was directed for the purpose of getting information as to what the bill provided.

Mr. HOAR. The bill is in the ordinary form of such bills.

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. ALLEN] has demanded the regular order. The regular order is the request made by the Senator from Massachusetts [Mr. HOAR] for unanimous consent for the present consideration of the bill reported by him. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN JUDICIAL DIVISION OF IOWA.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2537) to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein, to report it favorably with amendments. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill reported by him, which will be read in full for the information of the Senate.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment reported by the Committee on the Judiciary was, in section 1, page 1, line 10, after the word "year," to strike out:

Each of said terms to continue so long as necessary to dispose of the business at any time pending in said court: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

So as to make the section read:

That the counties of Lucas, Clarke, Union, Adair, Adams, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, and Appanoose shall constitute the southern division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the third Monday of May and the fourth Monday of September of each year.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 22, after the word "county," to strike out:

Each of whom, in the absence of the clerk and marshal, shall exercise all of the powers and perform all of the duties of his principal within the division for which he shall be appointed.

So as to make the section read:

SEC. 4. That the clerk of the circuit and district courts for said southern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at Creston, in Union County. Appointment of such deputy shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SENATOR FROM MONTANA.

The PRESIDENT pro tempore (at 1 o'clock p. m.). The Chair lays before the Senate a resolution, which will be read. He calls the attention of the Senator from New Hampshire [Mr. CHANDLER] to it.

The Secretary read the resolution reported by Mr. CHANDLER from the Committee on Privileges and Elections April 23, 1900, as follows:

Resolved, That William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the legislature of the State of Montana.

Mr. CHANDLER. At the suggestion of the other members of the Committee on Privileges and Elections, I move that the resolution be postponed until Thursday next at 1 o'clock.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire, that the resolution be postponed until Thursday next at 1 o'clock.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4782) granting an increase of pension of Gorge Ziegler; and

A bill (S. 4783) granting an increase of pension to Charles Stackhouse.

Mr. PENROSE introduced a bill (S. 4784) to correct the military record of George Kappes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4785) granting an increase of pension to William W. Willis; and

A bill (S. 4786) granting an increase of pension to John Wise.

Mr. FAIRBANKS introduced a bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4788) granting an increase of pension to George P. Beach; and

A bill (S. 4789) granting an increase of pension to Bernard Wagner (with an accompanying paper).

Mr. MARTIN (for Mr. TURLEY) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4790) for the relief of W. W. Schoolfield, executor of the estate of Louis Hanauer, deceased;

A bill (S. 4791) for the relief of Mrs. Ada G. Bankhead;

A bill (S. 4792) for the relief of B. J. Young (with accompanying papers);

A bill (S. 4793) for the relief of the estate of A. W. Harris, deceased (with accompanying papers);

A bill (S. 4794) for the relief of Joseph B. Johnson (with accompanying papers);

A bill (S. 4795) for the relief of F. A. Jones, administrator of R. S. Jones, deceased (with accompanying papers); and

A bill (S. 4796) for the relief of James Boro, Mary Boro, and the estate of James Boro, deceased (with accompanying papers).

Mr. PLATT of Connecticut (by request) introduced a bill (S. 4797) to refer to the Court of Claims the claims of the Peoria, Kaskaskia, Wea, and Piankeshaw Indians against the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 4798) for the relief of the estate of Milton S. Shirk, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 4799) relating to the case of Cruz against Fitchie; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FAIRBANKS introduced a bill (S. 4800) to require the President to cause to be surrendered to the governing authorities of Cuba, or any of the possessions of the United States, fugitives from justice, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 4801) to amend an act entitled "An act for the erection of a public building at St. Paul, Minn.," approved February 16, 1891; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a joint resolution (S. R. 126) to authorize the governor of Porto Rico to provide temporary rates of internal-revenue taxation; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

CUBAN EXTRADITION.

Mr. HOAR introduced a bill (S. 4802) to provide for extradition and rendition of fugitives from justice from the island of Cuba; which was read twice by its title.

Mr. HOAR. This is a very short bill, and it relates to a very important subject in regard to which Senators will be obliged to make up their minds at a very early day. I ask, therefore, that it be printed in the RECORD as if it had been read.

The bill was ordered to be printed in the RECORD, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That so long as the island of Cuba shall remain under the authority of the United States any person who shall commit or who shall have committed any offense against laws established by the United States or its officers for the control of the government of said island or against the criminal laws recognized by the United States as in force therein, who shall depart or flee, or who has heretofore departed or fled, from justice therein, shall, if found in the United States, be liable to arrest and detention, and on the written requisition of the governor or other chief officer of Cuba shall be returned to the authorities in control in Cuba for trial under such laws. All the provisions of sections 5270 to 5277 of the Revised Statutes of the United States, inclusive, so far as applicable, shall govern the proceedings, except as herein otherwise provided.

Such accused person shall be taken before a judge or justice of the circuit or district court of the United States in the district in which he is arrested, who shall order his return and surrender on evidence establishing probable cause that he is guilty of the offense charged; and thereupon he shall be returned and surrendered to the authorities in Cuba on the order of the Secretary of State of the United States: *Provided,* That such return and surrender, as hereinbefore provided, shall be made only in the case of persons

charged with the commission of one or more of the following crimes, to wit: Murder, and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers or depositaries; robbery; burglary, defined to be the breaking and entering by night time into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering, the offices of the Government, and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens of Cuba and not under the flag of the United States or of some other government; malicious destruction of, or attempt to destroy, railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life: *And provided*, That no such surrender or return shall be made of persons charged with offenses of a political character: *And provided further*, That before making such order for surrender and return, the judge shall be satisfied that proper provision exists to secure to the defendant a fair trial for such offense before a civil judicial tribunal, where he will be represented by counsel; that the offense with which he is charged will be fairly and distinctly described to him, and that he will have an opportunity to be confronted, at his trial, with the witnesses against him.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate \$3,000 for improving the mouth of Warroad River, Minnesota, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment proposing to appropriate \$3,500 to pay W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$200,000 to enable the Secretary of the Treasury to purchase the necessary machinery for the United States mint at Denver, Colo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

THE NICARAGUA CANAL.

Mr. GEAR submitted an amendment intended to be proposed by him to the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. PLATT of Connecticut submitted an amendment, intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was ordered to lie on the table, and be printed.

PAYMENTS TO VOLUNTEERS.

Mr. SULLIVAN. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The Secretary read the resolution, as follows:

Resolved by the United States Senate, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate, for its information, a statement showing whether the volunteer officers and soldiers serving in the late Spanish-American war have been paid more than one time for their service between the time of their enrollment and their muster in, or for any other service connected with said war; and if such payments have been made, what officers and soldiers have been so paid, and upon what authority.

Mr. PETTUS. I move to amend the resolution by striking out the word "requested" and inserting the word "directed."

Mr. SULLIVAN. I accept that amendment.

The PRESIDENT pro tempore. The resolution will be so modified. Is there objection to the consideration of the resolution as modified?

Mr. LODGE. Let the resolution be again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary read the resolution as modified.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HAWLEY. I make no objection to consideration; but I wish to say that that whole matter has been most thoroughly and exhaustively considered within a week or two by the Committee on Military Affairs, and I think the committee can give the necessary information. I move that the resolution be referred to that committee.

Mr. WOLCOTT. Who is the introducer of the resolution, Mr. President?

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. SULLIVAN].

Mr. SULLIVAN. I want to say in that connection that I applied to the Auditor for the War Department a day or two ago, when I was informed that a number of officers and soldiers had been paid twice for the same service. I was so astounded at the statement, and desiring more authoritative information on the

subject, that I determined to introduce this resolution, so as to ascertain, if the statement be true, how it is and by what authority payments have been twice made.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WOLCOTT. I suggest, under the strict phraseology, the senior Senator from Massachusetts [Mr. HOAR] not being here, that the soldiers were paid twice if they were paid on two different occasions. The Senator from Mississippi does not ask in his resolution whether or not they have been paid twice for the same service, but whether they have been paid more than one time. If the paymaster had been around twice, the Secretary of War would have been bound to report that the soldiers had been paid more than one time. I suggest that the resolution be changed so as to contemplate the inquiry which the Senator desires to make, as to whether they have been paid twice for the same service.

Mr. SULLIVAN. So far as that is concerned, the object is simply to see whether or not they have been paid twice, either directly or indirectly, for the same service.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. HAWLEY] moves that the resolution be referred to the Committee on Military Affairs. The question is on that motion.

The motion was agreed to.

PRIVILEGES OF THE FLOOR.

The PRESIDENT pro tempore. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 18th instant, as follows:

Resolved, That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country.

Mr. ALLEN. Mr. President, on Saturday last I introduced this resolution and asked for its present consideration. An objection was made by the Senator from Connecticut [Mr. HAWLEY], and, under the rule, the resolution passed over until to-day.

I want to read at this time from the CONGRESSIONAL RECORD of Saturday the proceeding respecting this matter. I read from page 6179 of the RECORD:

Mr. ALLEN. I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country."

Mr. HAWLEY. I object.

The PRESIDENT pro tempore. Objection—

Mr. ALLEN. I wish to submit an observation before—

Mr. HAWLEY. I object.

The PRESIDENT pro tempore. Objection is made. The resolution goes over.

Mr. President, I read that simply for the purpose of accentuating the haste with which an objection was made to the consideration of the resolution. Ordinarily in this body when a Senator desires to submit observations pertinent to a resolution of this character he is permitted to do so without objection. On this occasion an objection was made with lightning-like speed, not only to the consideration of the resolution, but to the submission of observations in its support.

Of course, the relations between the Senator from Connecticut and myself are such as to preclude the idea that there was anything personal in the objection, and the objection must have gone to the fact that the distinguished Senator did not desire to hear the names of these commissioners mentioned in the Senate Chamber or that they should receive the slightest recognition at the hands of this Government.

Mr. HAWLEY. I wish the Senator would allow me a word.

Mr. ALLEN. I will do so with pleasure.

Mr. HAWLEY. I saw instantly when the resolution was presented that it would give rise to discussion, and I thought there ought to be a little time for both sides of that discussion to consider the matter. Therefore I objected to its consideration on that day.

Mr. ALLEN. In view of the fact that the precedents for the resolution are unbroken and without exception in the history of the Senate, I could not understand the objection of the honorable Senator from Connecticut, unless it was based upon the theory that this Government must have nothing whatever to do with the Boer commissioners.

Two years ago Lord Herschell was in this city and died here. A Canadian commission came here for the purpose of determining, as members of the joint commission between Great Britain and the United States, certain disputed questions between the two Governments. They were accorded the privileges of this floor without the slightest objection upon the part of anybody. I remember distinctly meeting them and being introduced to them on the floor of the Senate. A few years ago John Stewart Parnell, a member of the English Parliament, came to this country and was accorded the privileges of the floor of both Houses and was permitted to deliver a public address in the Hall of the House of Representatives,

the House and the Senate attending in number. I am informed by those who have been in this Chamber for a great many years that there is not an instance in our history where distinguished gentlemen coming from a foreign country to this country in an official capacity were not accorded the privileges of the floor of the Senate and the House of Representatives.

I can not understand why these gentlemen should not receive the ordinary courtesies extended to the representatives of all other governments who visit the capital city of the United States. It might be claimed, and possibly will be claimed, that if we should permit these gentlemen to come on the floor of the Senate, it would be an indirect recognition of the political independence of the Orange Free State and the South African Republic. I do not propose to debate that question at all, for I do not regard it as germane. It is perhaps not for us, at this time at least, to enter into the disputed question between Great Britain and these Republics, whether Great Britain retains the relation of lord and master over the Republics or not. We have just ratified a treaty between Great Britain and the United States and some twenty other powers, by which it is declared that it shall not be regarded as an offense for one nation to offer to mediate between two contending nations. I will read Articles II and III of the Hague treaty:

In case of serious disagreement or conflict, before an appeal to arms, the signatory powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE III.

Independently of this recourse, the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties as an unfriendly act.

The commissioners from the South African Republics now in this city, as is well known, have been accredited by their respective Governments to this Government with full powers to act for the Governments they represent, and they are here, as I understand it, for the purpose of laying the facts of the controversy between their Governments and Great Britain not only before the Administration, but before the American people. Mr. President, the world knows also that the only bone of contention between Great Britain and these Republics is whether the autonomy of the Republics shall be destroyed and Great Britain shall exercise unrestrained sovereignty over the territory now embraced in these small Governments.

We ought not to forget that it was the ancestors of these people who in our Revolutionary struggle gave us material aid and comfort and who determined the question largely in our favor whether we should continue as vassals and colonies of Great Britain or become a powerful nation such as we are. They come here, Mr. President, to lay before this country the facts of the controversy that has resulted in a war between Great Britain and their own Governments. They are not here asking anything except the friendly offices of the greatest Republic upon the face of the earth and that natural sympathy which should be extended by a republican form of government to a people who have been induced by our example to pattern after our institutions and establish Republics in southern Africa.

Mr. PETTUS. Will the Senator from Nebraska allow me to ask him a question?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. ALLEN. I yield for a question.

Mr. PETTUS. Will the Senator please tell me what meaning he attaches to these words?—

He—

The President—

shall receive ambassadors and other public ministers.

Mr. ALLEN. I declared long before the Senator came into the Chamber what I thought about those words. Not deeming it germane to the discussion at all, I decline to answer the Senator's question.

I am not questioning the right of the President to receive public ministers and ambassadors. It is plain to me—it may not be plain to the honorable Senator from Alabama—that that is an executive power with which we have nothing to do, but that is an entirely different question from the question whether these representatives of the South African republics shall be accorded the privileges of the floor of the Senate of the United States; and if the Senator from Alabama sees any synthetic relation between the two propositions he sees more than I am able to see. I do not know that it would make any particular difference to the commissioners whether we admit them to the privileges of the floor of the Senate or not, but in the whole course of our national existence I should dislike to see an exception made for the first time in the case of the representatives of the smallest, if not the youngest, republics upon earth, seeking to be accorded the ordinary privileges granted to monarchical and all foreign powers.

Mr. DAVIS. Mr. President, the resolution in question upon its face purports to and does recognize these gentlemen as the commissioners from another government to this country. Their admission to the floor of the Senate under the phraseology of the resolution would be a recognition of their function, which does not belong to this body at all. As suggested by the very pertinent question of the Senator from Alabama [Mr. PETTUS], that recognition, whether it should be granted or denied, is exclusively confided to the President of the United States. There is not a foreign minister or a diplomatic representative who, under the rules of the Senate, is entitled to admission to the floor of the Senate.

Mr. ALLEN. They do it, however.

Mr. DAVIS. I do not recollect it ever having been done in the case of a foreign ambassador; but under the peculiar circumstances of this case, knowing what we do, considering the mission which has brought these gentlemen here, in the immature condition of the entire question so far as their endeavors are concerned, I move to lay the resolution upon the table.

Mr. ALLEN. I hope the Senator will withdraw that motion until the question can be debated.

Mr. DAVIS. If any Senator desires to debate it, I will withdraw the motion, of course.

Mr. TILLMAN. I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Minnesota moves to lay the resolution on the table, which is not a debatable question.

Mr. ALLEN. I ask the Senator from Minnesota to withdraw the motion.

Mr. DAVIS. I withdraw it.

Mr. TILLMAN. Did we not last year as a body invite the commissioners of the Canadian government here to the floor of the Senate? Did we not meet them here and shake hands? It is a mere courtesy. It is not an official recognition.

Mr. LODGE. They were not the representatives of Great Britain. They were members of a joint commission, on which were our own commissioners.

Mr. DAVIS. Lord Herschell and the others who were invited were not accredited to this Government. They were the representatives of Great Britain for the purpose of adjusting some questions concerning our northeastern boundary. But however that may be, there was no such question between Great Britain and the United States as that which has brought these gentlemen here to state their case to the Executive and to the American people at the same time. I can not understand, it is not at all plain to me why, under the conditions which envelop this entire business, gentlemen coming here from abroad, who have not been recognized by the Executive Department, who have not even, so far as I know, tendered their credentials, the Senate of the United States should make haste to admit them to the floor of the Senate as commissioners, as diplomatic representatives, when such a privilege does not exist as to any ambassador or diplomatic representative accredited to this nation.

Mr. ALLEN. No such request has been made. The resolution does not ask that they be admitted as commissioners.

Mr. DAVIS. This resolution declares and defines these gentlemen as commissioners.

Mr. ALLEN. It says they are commissioners, but it does not ask that they be admitted here as commissioners.

Mr. DAVIS. It is a contradiction in terms.

Mr. ALLEN. No; it is not a contradiction in terms.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. ALLEN. I do, for a moment.

Mr. VEST. I wish to ask the chairman of the Committee on Foreign Relations, the Senator from Minnesota, a question.

Mr. DAVIS. Certainly.

Mr. VEST. The Senator used the expression that there was no such question pending in regard to the Canadian commissioners as is now pending between England and the United States. What question is now pending between England and the United States? I do not understand that we have any.

Mr. DAVIS. I am sure the Senator must have misunderstood me, or I spoke very carelessly. I did not mean to say that.

Mr. VEST. That was the language used by the Senator. I know nothing about this matter except what is seen in the public prints. It has been stated, and that is all I know, that these gentlemen are here to ask peaceable mediation on the part of this country; and that is no question between us and Great Britain.

Mr. DAVIS. That was not the intention of my remark. I do not think I said it.

Mr. VEST. I did not choose that that sort of statement should go forth without some explanation.

Mr. DAVIS. I am glad the Senator called my attention to it.

Mr. ALLEN. The Senator from Minnesota is entirely mistaken as to the scope and purpose of the resolution. The resolution does not ask that these gentlemen be admitted to the privileges of the floor of the Senate in an official capacity. It does recite their

names and does say that they are commissioners accredited to this country, but that is simply descriptive of the individuals and does not undertake to bind the Senate or the Government to a recognition of their official capacity.

Since I have been a member of this body I have seen the rules suspended, and messengers who brought in the returns from a Presidential election admitted to the floor of the Senate. In 1893 I saw Mr. William Wirt Henry admitted to the floor of the Senate. I have seen a number of instances where distinguished gentlemen have been by the action of the Senate accorded the privileges of the floor of the Senate. Now, whatever may be the merits of the controversy between Great Britain and these African republics, it does not come with very good grace from any gentleman here to say that these men, representing their Governments, or distinguished gentlemen of the country from which they come and in which they live, shall not be accorded the ordinary privileges accorded to private citizens.

I presume the chairman of the Committee on Foreign Relations believes that some complications may arise by this act of the Senate. I have no desire to put my country in a false attitude before the world. I think I am just as much determined to prevent its good name from being sullied and to prevent it from being put in a false attitude as the Senator from Minnesota. I come from an ancestry that settled in this country two or three hundred years ago, and I have as much respect and love for the country as any man can have. Yet, Mr. President, I would think the balance of my life that I had done wrong, after these gentlemen had journeyed across the ocean and had visited many European countries and had visited the United States of America—distinguished gentlemen who hold high rank in their respective countries—if I had not willingly sought to have accorded to them the ordinary decencies and amenities of life.

Mr. MASON and Mr. DAVIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. MASON. I desire to take just a moment on this matter. I am willing to wait until the Senator from Minnesota concludes.

Mr. President, I can never hear the proposition of law made by the distinguished chairman of the Committee on Foreign Relations made without feeling that I must enter my protest against it. I confess it seems somewhat bold to invade the field of international law and dispute with him upon questions which seem to him to have been settled. The recognition or nonrecognition of belligerent rights of other nations or nations in revolt is not purely an Executive act. The writers upon that subject make clear the proposition of international law that the recognition or nonrecognition may be a cause of war, and it is not the settled rule of international law that the Executive and the Executive alone has the power to recognize or fail to recognize any foreign nation or people struggling for recognition.

Mr. Clay took the position when he sought an amendment to an appropriation bill to recognize the Grecian republic. Mr. Webster took the position in his debates and all along, and the writers upon international law agree, that where the executive power may be used for a casus belli, that is, as I understand it, for a reason for war, then it is beyond the executive power to recognize or fail to recognize. For instance, when France recognized us in the Revolutionary war it was held to be a cause of war, and a declaration of war immediately followed.

It might be a cause of war to-day between England and the United States if we should recognize the independence of the South African republics. What international lawyer upon this floor will claim that the executive department may exercise without constitutional authority that executive distinction and discrimination which may or may not lead to war, thus placing in the executive branch of the Government the power of declaring war or what amounts to a declaration of war? But, Mr. President, I do not care to discuss the theory or the practice of international law. I simply rose to say that even assuming to be correct the position taken by the distinguished Senator from Minnesota, and assuming to be the law that the President, as the executive power, has the power to recognize these commissioners, yet certainly the President has no power to say who shall have the privileges of this floor.

My proposition is that even though the Executive has the sole power, which I deny, to recognize or not recognize the South African republics, I believe Mr. Clay was right in his proposition that it is not purely an Executive act, and that the time may come when it amounts to a declaration of war, and therefore a Congressional act, and that Congress, even the lower branch of Congress, he contended, had a right to be consulted, because they pass upon the appropriation which pays the minister or the diplomatic representatives from this country to some other.

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. MASON. Certainly.

Mr. TELLER. I wish to remind the Senator from Illinois that

we have recognized this African republic in the only way that it could be, probably; that is, by an act, a declaration.

Mr. MASON. Yes.

Mr. TILLMAN. We have a consul there, too.

Mr. TELLER. I should like to add also that Great Britain has treated with it upon the basis of an independent nation, and Mr. Chamberlain declared that it was a foreign power. Great Britain has sent her diplomatic agents there.

Mr. ALLEN. We have.

Mr. TELLER. We have sent ours, and other nations have sent theirs.

Mr. MASON. Yes; and under the treaty of 1884, made by Mr. Gladstone when he was the leader of the Liberal party and when he closed the war at that time with the Transvaal State, the name was changed from the Transvaal State to the South African Republic; the suzerainty that England had was entirely removed, and the only contract under the treaty of 1884 was that the South African Republic should make no treaty or alliance with any other nation excepting the tribes adjoining or other States in South Africa.

I am warned that the mover of the resolution desires a vote upon it. I have nothing further to say, except that we have extended these courtesies to other distinguished people. It is not a recognition in any official way, but is proposed to be tendered to these people, who are representing a struggling and a somewhat discouraged people, with ten men to one against them in the field, as a courtesy. They are not here asking for our interference. They are not asking for anything but a word of sympathy and some consideration for their situation, and I hope they may be tendered some little courtesy to show that the Senate of the United States agrees with the people of the United States, who have met them in New York and who will meet them from one ocean to another, to make them welcome and to wish them God-speed on their mission.

Mr. DAVIS obtained the floor.

Mr. THURSTON. Will the Senator from Minnesota permit me for just a moment?

Mr. DAVIS. Certainly.

Mr. THURSTON. Mr. President, I have no desire to interpose any remarks upon this resolution, but I desire to place in the RECORD an extract from the message of Thomas Jefferson of October 17, 1803, which is as wise and as certain to secure the best interests of the United States at the present time as it was when it was delivered to Congress.

The PRESIDING OFFICER. If there be no objection, the extract will be received and placed in the RECORD.

Mr. ALLISON and Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise indeed were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable, then, must it be in a government like ours to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to you will give you an opportunity of providing, and myself that of approving and of carrying into execution with the fidelity I owe to my country.

TH: JEFFERSON.

Mr. DAVIS. Mr. President, I do not know that anybody has ever denied that the Orange Free State and the South African Republic are and have been independent nations. That is not the question. It is a fact that neither of those States has ever before attempted to send diplomatic representatives to the United States. It is not the fact that the United States has ever sent diplomatic representatives to either of them.

Mr. TILLMAN. We have a consul there, though.

Mr. ALLEN. Did we not recognize them by sending a consul there?

Mr. DAVIS. That is just the mistake of the Senator. A consul is not a diplomatic officer at all and never has been.

Mr. ALLEN. Does not—

Mr. DAVIS. Mr. President, I decline to yield.

Mr. ALLEN. All right; I will reply at some other time.

Mr. DAVIS. I say a consular officer is not a diplomatic agent and never has been.

Now, what is the situation, and what is this resolution? The situation is this: Those Republics for the first time have sent commissioners, who are diplomatic representatives, to the United

States, seeking to enter into international relations with us, as it is understood, of a certain character, and to ask for certain action on the part of this Government. Before any recognition of that kind can be made by the United States, these gentlemen must be received in the capacity in which they come, and under the Constitution that is purely an executive act for the President of the United States.

I am not speaking about the power or capacity to recognize beligerency or nationality, but of the narrow and special question now before us, which is the recognition of the capacity and diplomatic character of the gentlemen who thus present themselves. It is no part of the function of either body of Congress, it is entirely out of the jurisdiction of either of them, to attempt to decide one way or the other, and especially under circumstances like the present, upon the diplomatic character of such agents, or as to whether they shall be received or not.

Now, what does this resolution propose to do and what is its phraseology?

Resolved. That Abraham Fischer, C. H. Wessels, and A. D. W. Wolmarans, commissioners of the Orange Free State and the South African Republic, accredited to the United States, are hereby accorded the privileges of the floor of the Senate during their stay in this country.

Mr. ALLEN. I should like—

Mr. DAVIS. Not as individuals—

Mr. ALLEN. To make a suggestion to strike out everything descriptive of their title, and then adopt the resolution.

Mr. DAVIS. Not as individuals, but as public characters representing independent governments and accredited to this Government.

Now, Mr. President, these gentlemen have recently arrived here. The people of the United States have been repeatedly and copiously informed by them what their mission is. Without attempting in the least degree to disparage their efforts or to draw away any sympathy from their cause, I feel bound to say that they have proceeded in a manner entirely irregular, entirely premature, entirely improper, under all the circumstances. Before they have ascertained what the disposition of the executive department of this Government is toward them, before they have even done themselves or it the honor of presenting themselves to that department, it has been proclaimed by them in public meetings not only that their mission is to the executive department, but that it is to enlist the American people in their cause, and bring the pressure of public American opinion to bear upon this Government.

Mr. President, to such efforts as that the extract from the message of Thomas Jefferson, just read, was directed, and for less than these gentlemen have done Washington, Jefferson being Secretary of State, I think, at the time, sent Genet out of the country.

Now, Mr. President, I do not intend to bring into question at all the merits of the controversy between those Republics and Great Britain. I do not intend to bring into question any matter of sympathy in this business. I simply content myself with the proposition that here is a resolution which by its very terms and for its very reason proposes to admit these gentlemen to the floor of the Senate as the accredited diplomatic representatives of two other republics.

The Senator from Nebraska [Mr. ALLEN] a moment ago, if I overheard him correctly, asked me if I would be content to have these words of diplomatic signification stricken out of the resolution and then pass it. I say no, because then they become merely private individuals. What is the use, Mr. President; what is the necessity—

Mr. ALLEN. Are there any circumstances under which the resolution can in terms be made acceptable to the Senator?

Mr. DAVIS. Where is the reason in a case like the present, a case of great interest, to signalize the advent of these gentlemen here by a resolution of this character?

I renew my motion to lay the resolution on the table.

The PRESIDING OFFICER. The Senator from Minnesota moves that the resolution be laid on the table.

Mr. TELLER. On that I ask for the yeas and nays.

Mr. ALLEN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I desire to ask the Chair whether this resolution is not a resolution to amend the rules, of which notice must be given? Rule XXXIII is absolute, and the rule in regard to amending the rules is absolute.

Mr. ALLEN. I desire to suggest that the motion to lay on the table is not open to debate.

Mr. HOAR. I am not debating it; I am asking the Chair a parliamentary question.

Mr. ALLEN. It is not even open to that.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts is raising a question of order upon the consideration of the resolution.

Mr. ALLEN. That leads to debate, of course. It opens the whole subject to discussion.

The PRESIDING OFFICER. That is not debatable.

Mr. BACON. I submit that the question of order possibly now is whether a motion to lay on the table is in order.

Mr. TELLER. Let us take the vote on the motion to lay on the table.

Mr. ALLEN. Let us vote on the question.

Mr. HOAR. I ask the Chair to rule whether it is a motion to amend the rules.

Mr. MASON. Mr. President—

The PRESIDING OFFICER. The Chair thinks the resolution is in order. It certainly is not repugnant to the practice of the Senate on various occasions; and while there may possibly be some ground to say that technically it is not in order, it has been too frequently done in the Senate, I think, to rule that a resolution of this sort is not in order. The Secretary will call the roll on the motion to lay the resolution on the table.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. BERRY (when Mr. FRYE's name was called). The Senator from Maine [Mr. FRYE] was necessarily called away from the Chamber. I had forgotten at the time when I voted that I am paired with him on all questions of this character. I therefore ask leave to have my vote withdrawn, and I will announce that I am paired with the Senator from Maine [Mr. FRYE]. If I were at liberty to vote, I would vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. If he were present, I should vote "nay."

Mr. QUARLES (when his name was called). I am paired with the junior Senator from Texas [Mr. CULBERSON].

Mr. SCOTT (when his name was called). I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. If he were present, I should vote "yea."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DAVIS. I transfer my pair with the Senator from Texas [Mr. CHILTON] to the Senator from Rhode Island [Mr. ALDRICH], who is absent unpaired, and I vote "yea."

Mr. BERRY. I will transfer my pair with the Senator from Maine [Mr. FRYE] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. BACON (after having voted in the negative). I inquire if the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I have a general pair with that Senator, but under our agreement, in matters not political either is authorized to vote. As in this instance my vote would not change the result, I will permit my vote in the negative to stand, although the Senator from Rhode Island is absent.

Mr. BERRY (after having voted in the negative). I am informed that the Senator from Wisconsin [Mr. QUARLES] is paired with the Senator from Texas [Mr. CULBERSON]. If satisfactory to him, we will both vote, and the Senator from Texas [Mr. CULBERSON] will stand paired with the Senator from Maine [Mr. FRYE].

Mr. QUARLES. Very well; I vote "yea."

Mr. SCOTT. I transfer my pair with the junior Senator from Florida [Mr. TALIAFERRO] to my colleague [Mr. ELKINS] and vote. I vote "yea."

The result was announced—yeas 36, nays 21; as follows:

YEAS—36.

Allison,	Gear,	McBride,	Platt, N. Y.
Baker,	Hanna,	McComas,	Quarles,
Bard,	Hansbrough,	McMillan,	Ross,
Burrows,	Hawley,	Morgan,	Scott,
Clark,	Hoar,	Nelson,	Sewell,
Davis,	Kean,	Penrose,	Shoup,
Fairbanks,	Kyle,	Perkins,	Stewart,
Foster,	Lindsay,	Pettus,	Thurston,
Gallinger,	Lodge,	Platt, Conn.	Wolcott.

NAYS—21.

Allen,	Clay,	Kenney,	Tillman,
Bacon,	Cockrell,	Mason,	Vest,
Bate,	Daniel,	Money,	Wellington.
Berry,	Harris,	Pettigrew,	
Butler,	Heitfeld,	Rawlins,	
Caffery,	Jones, Ark.	Teller,	

NOT VOTING—29.

Aldrich,	Depew,	McLaurin,	Tallaferro,
Beveridge,	Elkins,	Mallory,	Turley,
Carter,	Foraker,	Martin,	Turner,
Chandler,	Frye,	Pritchard,	Warren,
Chilton,	Hale,	Proctor,	Wetmore.
Cullerson,	Jones, Nev.	Simon,	
Cullom,	McCumber,	Spooner,	
Deboe,	McEnery,	Sullivan,	

So Mr. ALLEN's resolution was laid on the table.

THE POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. WOLCOTT. Mr. President—

Mr. LODGE. I ask that that may be laid temporarily aside, so that the Senator from Colorado may proceed with the Post-Office appropriation bill.

Mr. MORGAN. I object to that. The Senate can vote on it.

Mr. LODGE. Very well, then. I move that the Senate take up the Post-Office appropriation bill; and I give notice that to-morrow at 2 o'clock I shall move to take up the Philippine bill, on which the Senator from Wisconsin [Mr. SPOONER] has given notice that he will speak at that hour. I now move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE], upon which question the yeas and nays have been ordered.

Mr. TILLMAN rose.

Mr. WOLCOTT. Before the Senator proceeds, I simply wish to state formally that the Senator from West Virginia [Mr. SCOTT] had intended to address the Senate at this time, but has given way for a motion to take up the Post-Office appropriation bill, and he may perhaps follow at the close of the consideration of the bill.

I understand the pending motion is upon the adoption of the amendment presented by the junior Senator from Massachusetts [Mr. LODGE], and I ask that it may be again read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 9, page 17, insert:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

The PRESIDING OFFICER. The yeas and nays have been ordered on the question. Will the Senate agree to this amendment?

Mr. TILLMAN. Mr. President, owing to the fact that in order to get any vote at all we had to stop the debate a moment ago on the resolution introduced by the Senator from Nebraska [Mr. ALLEN], I shall pursue the course that has been common in the Senate of discussing one subject when another is up.

Mr. WOLCOTT. Mr. President, I rise to a question of order. The unfinished business being before the Senate, I call for the regular order—

Mr. LINDSAY. That does not cut off debate.

Mr. TILLMAN. No; that does not cut off debate.

Mr. WOLCOTT. I simply raise the question of order.

The PRESIDING OFFICER. The regular order is the appropriation bill, and the pending question is the amendment which is before the Senate. There is no motion pending which precludes debate.

Mr. WOLCOTT. When the yeas and nays have been ordered?

The PRESIDING OFFICER. Not until the roll call has been commenced.

Mr. WOLCOTT. Then I will appeal to the Senator from South Carolina. This is an important appropriation bill; there are only two or three little amendments yet to be disposed of; we will get through in a few minutes; and I think it will facilitate the transaction of the business of the Senate if he will allow the bill to be proceeded with.

Mr. TILLMAN. I am going to take but very little time, and I should like to get my remarks as close as possible in the RECORD to the proceedings on the resolution. I do not want any matter that can come between my remarks and the discussion on the resolution to be spun out any further. I want to say a few words.

Mr. WOLCOTT. I can only appeal to the Senator. I think

we can get the bill through in half an hour and get it over to the House and into conference.

Mr. TILLMAN. The exigencies of the situation are not such that this bill must go to conference or be passed in the next twenty, forty, or fifty minutes. I am not going to talk long, but I want to talk now.

Mr. WOLCOTT. I can only appeal to the Senator. If he does not see fit to give way, I can not help it.

Mr. TILLMAN. Usually I have been willing to yield to any Senator in any matter of courtesy; but this is not a matter of courtesy or right. It is merely a question of opinion as to whether the public business is so pressing that a Senator shall yield his right to speak on a subject before the Senate.

Mr. WOLCOTT. But, Mr. President, I understood the Senator to state in advance that he was going to speak on a subject not before the Senate. It was for that reason that I ventured to ask him if he would not let the appropriation bill be first considered; that was all.

Mr. TILLMAN. While the resolution itself has just been voted down, the resolution is before the country; and I simply want to throw a little additional light on conditions which now exist and those which have existed in the past, and in order to show what has been done in England in the past on this question of paying courtesy and honor to distinguished men who have been in rebellion against their governments, and with which governments England at the time was on friendly terms, while this is a much stronger case, because these men are not in rebellion against England. They are defending their homes, their firesides, their government, and their country from invasion and subjugation. They have sent their envoys to this country, and we have just refused to give them any courtesies whatever.

I therefore send to the desk a copy of to-day's New York Sun and ask to have read a communication setting forth facts which I have not had time to verify, but I am sure they are correct, showing what happened when Kossuth, the Hungarian exile, who had risen against Austria and set up a government, a republic, of his own, but was overthrown by Russia, reached that country. I want to let this modern Americanism which is coming in here see how England herself has behaved in similar conditions, except that it is a much stronger case that we have than the one which existed at that time.

The PRESIDING OFFICER. If there be no objection, the article referred to by the Senator from South Carolina will be read at the desk.

The Secretary proceeded to read, and read as follows:

To the editor of the Sun:

In view of the general attack now being made by the British press upon America and Americans—

Mr. WOLCOTT. Mr. President, I desire, without the slightest—

Mr. TILLMAN. I will read the article myself if the Senator insists.

Mr. WOLCOTT. It is not that. I would not make a trifling objection of that kind. In what I say I am animated by not the slightest personal feeling, as the Senator from South Carolina well understands; but what I do desire to raise as a question of order is this: When a question is pending before the Senate and a Senator rises to speak upon that question, when he is upon his feet he may say that which his discretion and his judgment prompt him to say. That is undoubtedly true. No man can regulate that which comes from another man's brain. But in the first instance when he rises to discuss a question it must be avowedly to discuss that question.

Now, Mr. President, the Senator from South Carolina, with that frankness and directness which always characterize him, stated in the very first instance as he rose to his feet that he rose for the purpose of following a practice which he has noticed prevails here in the Senate; and that instead of discussing the Post-Office appropriation bill, which is before the Senate, he proposes to discuss the Boer resolution.

Mr. President, it is laid down in Jefferson's Manual that no one is to speak impertinently or beside the question, superfluously, or tediously. Now, the Senator from South Carolina never speaks impertinently, superfluously, or tediously; but in this instance he has openly avowed his intention to speak beside the question; and I do say, as a question of good order and of the fair conduct of public business, inasmuch as the Senator has stated in advance his intention not to discuss the question before the Senate, that the Chair shall determine the question of order. Then, if afterwards the Senator is willing to say that he rises upon the Post-Office appropriation bill to discuss the question of admitting the Boer delegates on the floor, nobody can question it; but I ask for a ruling on the point of order.

The PRESIDING OFFICER. The Chair understands that it can not limit a Senator as to the matter of which he shall speak upon any question pending before the Senate. It also understands, although the Senator from South Carolina said that his remarks

might be applicable to another subject, that he is addressing the Senate upon the pending amendment; and if that be so, the Chair can not limit the Senator as to what he shall say. It depends only upon a Senator's sense of taste and propriety as to what line of remarks he shall adopt.

Mr. TILLMAN. Mr. President, I expected nothing else from the Chair; and I leave to the Senate and to the country whether what I shall say before I get through is as worthy of its consideration as pneumatic tubes. I hope the Secretary will go on and read what I have sent to the desk to be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

KOSSUTH AND THE BOER ENVOYS—ENGLAND'S FRIENDLY RECEPTION OF A REPRESENTATIVE OF WARFARE AGAINST A FRIENDLY NATION.

To the editor of the Sun:

SIR: In view of the general attack now being made by the British press upon America and Americans, by reason of our treatment of the envoys from our fellow-republicans in South Africa, it may be of interest to cite some British precedents as authority for our behavior.

In the autumn of 1851 the Hungarian insurrection had been crushed by the armies of Russia. The British minister to Turkey, Sir Stratford Canning, was busily engaged in exasperating Russia by persuading the Sultan that "Codlin is the friend, not Short," and the feelings of the English toward Russia were about what they are at present. It was under these circumstances that Louis Kossuth came to England to carry on his propaganda against Austria, a friendly nation so far as England was concerned, and, incidentally, against Austria's ally, Russia.

Kossuth landed at Southampton on October 23, 1851, and was escorted to the residence of the mayor, from the balcony of which he delivered an address.

On October 24 he was the guest of the mayor at his country residence.

On the 25th he was the guest of the corporation of Winchester, when speeches were made by Mr. Cobden and other prominent public men. He then remained in seclusion for a short time, under medical treatment.

On November 10 he was received at Birmingham with almost royal honors.

On November 11 he was the guest of the corporation of Manchester and delivered an address at the town hall.

On November 12 he returned to Birmingham, where he attended two receptions, one at the Musical Fund Hall and the other at the residence of Mr. Henry, M. P.

On all these occasions he delivered the most incendiary orations possible against Austria and Russia, two nations then at peace with Great Britain.

November 13 and 14 he spent in London, where he was lionized by the popular leaders to an extent theretofore unknown.

On November 15 he went to Southampton to embark for the United States. A farewell banquet was given to him by the mayor and corporation, and he made a speech advocating war with Russia. He landed in New York on December 4. On December 5 he was the guest of the city and reviewed a military parade from the steps of the city hall.

On December 12 he was entertained by the corporation of the city of New York at the grandest banquet which this country had witnessed since the visit of Lafayette.

On all possible occasions in this country he made bitter speeches against Austria and Russia, nations friendly to the United States.

On December 15 he was entertained by the press of New York at a banquet presided over by William Cullen Bryant.

On December 18 he was dined by the bar of New York, and on December 20 a reception was given to him in Brooklyn at Henry Ward Beecher's church.

From December 23 to 26 Kossuth was the guest of Philadelphia, where he was entertained at two banquets and had a reception at Independence Hall.

From there he went to Baltimore, where he was received at the hall of the Maryland Institute.

On December 30 he arrived at Washington and was met at the depot by a duly appointed reception committee of United States Senators.

He was honored with a reception by President Fillmore at the White House, was formally invited to visit both Houses of Congress, and was the guest at a Congressional dinner.

He was received with similar honors in almost every large city in the United States.

In all this we were acting under due English precedent, and the English orators and newspapers of the day duly applauded our action. We are now engaged in showing similar attentions to our brother republicans from the Transvaal Republic and the Orange Free State, and I most confidently claim that, under the well-known doctrine of equitable estoppel, our British friends are shut off from finding any fault, and that, under the equally well recognized principle of consistency, we are entitled to their applause.

IRVING WARD.

NEW YORK, May 16.

Mr. TILLMAN. That is a brief outline of the treatment Louis Kossuth received in England and in the United States in 1851. As I said a moment ago, Kossuth had risen against the Austrian Government to throw off its yoke and secure by arms the freedom of Hungary, his native land. He had measurably succeeded in whipping the Austrians, at least he had them by the throat, when the Russians came in, as one despotism always seeks to assist another in maintaining its power, and his army was destroyed. He and some four or five thousand of his dispersed and beaten followers took refuge in Turkey. The demand was made upon the Sublime Porte to surrender these men, and he was threatened with dire consequences by the combined monarchies of Europe if he did not give them up, but with that courage that has always characterized the Turk, the Sultan refused to do it. Notwithstanding the menaces which were thrown at him by his neighbors, Kossuth and his companions remained in safety.

Now, I will send to the desk and have read an extract from Wharton's Digest, which will explain more fully and in better terms than I can what happened here. It is shown in the messages of the President and letters of the Secretary of the State. I ask that this be read, so that we may better get this whole thing down historically. I ask the Secretary to read, beginning on page

203, where I have marked, down to the cross on page 206, which embraces Mr. Clayton's communication, as Secretary of State, to Mr. Marsh, an extract from President Fillmore's message, and a communication from Mr. Webster, Secretary of State, to Mr. Marsh, showing just how the Americans of that day felt about paying courtesies to distinguished strangers from Europe who were seeking their liberties and fighting for them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

(4) HOSPITALITY TO POLITICAL REFUGEES.

SEC. 48. You are well aware that the deepest interest is felt, among the people of the United States, in the fate of Kossuth and his compatriots of Hungary, who have hitherto escaped the vengeance of Austria and Russia by seeking an asylum within the boundaries of the Ottoman Empire. The accounts respecting them have been so conflicting—sometimes representing them as having escaped, and at others as being captive—that we have not known what to credit, and have, therefore, declined to interfere in their behalf; nor do we now desire to interfere by entangling ourselves in any serious controversy with Russia or Austria. But we can not suppose that a compliance with the dictates of humanity, now that the contest with Hungary is over, would involve our friendly relations with any other power. Should you be of the opinion that our good offices would avail anything to secure their safety and their escape from the hands of those who still pursue them, it is desired by your Government that you should intercede with the Sultan in their behalf. The President would be gratified if they could find a retreat under the American flag, and their safe conveyance to this country, by any one of our national ships which may be about to return home, would be hailed with lively satisfaction by the American people. (Mr. Clayton, Secretary of State, to Mr. Marsh, January 12, 1850. MSS. Inst. Turkey.)

By a dispatch of my predecessor you were instructed to offer to the Sublime Porte to receive Mr. Kossuth and his companions on board of one of the national ships of the United States, to convey them to this country.

It would be extremely gratifying to the Government and people of the United States if this proposition could have been at that time accepted; but it is understood that its not having been complied with by the Sublime Porte did not arise from a wish on his Imperial Majesty's part to detain them, or from any unwillingness that they should proceed to the United States, but was in consequence of the Sultan's offer to Austria to detain these persons for one year, at the expiration of which time, unless further conventions should be entered into to prolong their detention, they should be at liberty to depart.

If this be so, the time is near at hand when their release may be expected, and when they may be permitted to seek an asylum in any part of the world to which they shall be able to procure the means of transportation.

It is confidently hoped that the Sublime Porte has not made and will not make any new stipulation with any power for their further detention, and you are directed to address yourself urgently, though respectfully, to the Sublime Porte on this question.

You will cause it to be strongly represented that while this Government has no desire or intention to interfere in any manner with questions of public policy, or international or municipal relations of other governments, not affecting the rights of its own citizens; and while it has entire confidence in the justice and magnanimity and dignity of the Sublime Porte, yet on a matter of such universal interest it hopes that suggestions proceeding from no other motives than those of friendship and respect for the Porte, a desire for the continuance and perpetuity of its independence and dignified position among the nations of the earth, and a sentiment of commiseration for the Hungarian exiles, may be received by the Porte in the same friendly spirit in which they are offered, and that the growing good feeling and increasing intercourse between the two Governments may be still further fostered and extended by a happy concurrence of opinion and reciprocity of confidence upon this as upon all other subjects. Compliance with the wishes of the Government and people of the United States in this respect will be regarded as a friendly recognition of their intercession, and as a proof of national good will and regard.

The course which the Sublime Porte pursued in refusing to allow the Hungarian exiles to be seized upon its soil by the forces of a foreign state or to arrest and deliver them up itself to their pursuers was hailed with universal approbation, it might be said with gratitude, everywhere throughout the United States, and this sentiment was not the less strong because the demand upon the Sublime Porte was made by governments confident in their great military power, with armies in the field of vast strength, flushed with recent victory, and whose purposes were not to be thwarted or their pursuit stayed by any obstacle less than the interposition of an empire prepared to maintain the inviolability of its territories and its absolute sovereignty over its own soil.

This Government, jealous of its own territorial rights, regarded with great respect and hearty approbation the firm and lofty position assumed by His Imperial Majesty at that time, and so proudly maintained under circumstances well calculated to inspire doubt, and against demands urged with such gravity and supported by so formidable an array. His Imperial Majesty felt that he should be no longer an independent prince if he consented to be anything less than the sovereign of his own dominions.

While thus regarding the political position and conduct of the Sublime Porte in reference to other powers, His Majesty's generosity in providing for the wants of the fugitives, thus unexpectedly and in so great numbers throwing themselves upon his protection, is considered equally worthy of admiration.

For their attempt at independence they have most dearly paid, and now, broken in fortune and in heart, without home or country, a band of exiles, whose only future is a tearful remembrance of the past, whose only request is to spend the remainder of their days in obscure industry, they await the permission of His Imperial Majesty to remove themselves, and all that may remain to them, across the ocean to the uncultivated regions of America, and leave forever a continent which to them has become more gloomy than the wilderness, more lone and dreary than the desert.

The people of the United States expect from the generosity of the Turkish monarch that this permission will be given. They wait to receive these exiles on their shores, where, without giving just cause of uneasiness to any government, they may enjoy whatever of consolation can be afforded by sympathy for their sufferings and that assistance in their necessities which this people have never been late in offering to any, and which they are not now for the first time called upon to render. Accustomed themselves to high ideas of national independence, the people of the United States would regret to see the Government of the vast empire of Turkey constrained, by the force of circumstances, to exercise the duty of keeping prisoners for other powers.

You will further say to the Sublime Porte that if, as this Government hopes

and believes, Mr. Kossuth and his companions are allowed to depart from the dominions of His Imperial Majesty at the expiration of the year commencing in May, 1890, they will find conveyance to the United States in some of its national ships now in the Mediterranean Sea which can be spared for that purpose, and you will, on receiving assurances that these persons will be permitted to embark, ascertain precisely their numbers, and immediately give notice to the commander of the United States squadron on that station, who will receive orders from the proper authorities to be present with such of the ships as may be necessary or can leave the station to furnish conveyance for Kossuth and his companions to the United States. (Mr. Webster, Secretary of State, to Mr. Marsh, February 28, 1851. MSS. Inst., Turkey.)

On the 3d of March last both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and, the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam frigate *Mississippi*, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the *Mississippi* at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe, and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

Mr. TILLMAN. Mr. President, it will be seen that this Government not only sympathized with Kossuth, but that it sent its own war vessel, by authority of Congress and of the President, to take him out of Turkey and bring him to an asylum of safety.

The resolution, after he reached this country, extending to him the courtesies of the nation and inviting him to the floor of the Senate, he being met by a special committee of both Houses of Congress and dined by the President at a grand dinner, shows the difference that has come over us as a people in dealing with the liberties of other people.

Who were the leaders in that movement to honor this man? Who is the man who introduced the resolution in Congress looking to his entertainment? William H. Seward. Who was the most eloquent man who defended and advocated it in the face of the mugwumps of that day, who were afraid to give any recognition to a foreigner who had rebelled against his country? Charles Sumner. Now, we have the Republicans of this day and time afraid to offend England by extending the same courtesies to the South African envoys, who are here seeking friendly interposition and mediation on our part to stop England's war of subjugation and the destruction of the two republics in South Africa, while this, the greatest republic of the world, looks on approvingly, refusing to speak through its Executive, and when a vote is taken here looking to simply extending the same courtesies to these envoys—no official recognition, but admission to the floor of the Senate—Republicans get up here, and men who are the official descendants of Sumner and of Seward disgrace themselves, in my judgment and in the judgment of the American people, by cowardly truckling to England's influence.

Mr. HOAR. Mr. President, I do not think there is a man in this country who has a more hearty admiration for the Boer Republic or greater sympathy with it in its gallant fight than have I. I think, as I said once before, it has done the best fighting which has been done on this planet since Thermopylae. I do not think there has been any fighting in a holier cause; and if Oom Paul Kruger and Joubert, if he were alive, should come to this country, and England should undertake to get hold of them for the purpose of imprisoning or slaying them, I should eagerly join in any welcome that the American people, or any branch of the Government, might extend to them. But this is a diplomatic mission of these gentlemen; and under our Constitution and custom the function of recognizing or receiving diplomatic missions, recognizing foreign countries as independent States, belongs primarily to the President. The Senate's relation to the diplomacy of the country comes at another stage and at another time.

If we admit to the floor of the Senate these gentlemen, we are extending to them in their capacity of diplomatic agents of a foreign state, before that state has been recognized by the President, a courtesy which we extend to the representatives of no other power on earth. The representative of Switzerland, the representative of Great Britain, the representative of Prussia, is not admitted to the floor of the Senate under its rules; and we are undertaking to do a particular thing which has a diplomatic significance, which, in my judgment, we have no right to do. Therefore, while I shall express my opinion about this brave resistance, a resistance on all fours with that which the people of the Philippine Islands are making against another attempt to crush them out, I do not think that the particular step of invitation to their diplomatic envoys, which we accord no other power on earth whatever, ought to be taken.

Mr. TILLMAN. If the Senator will kindly answer me one question before he sits down I shall be very glad. Does not the Senator believe it is the hypnotizing influences that brought on our own war of conquest in the Philippines—the disgraceful attitude we occupy in the eyes of the world in regard to those people—that has caused this paralysis of that honest American love of liberty and patriotism wherever a man is striving for it that has brought

about the condition we see to-day? Is that not the reason we are so careful and cautious in this matter?

Mr. HOAR. I am bound to say that I think the attitude of this country in regard to the people of the Philippine Islands has stifled and throttled the expression of sympathy which ought to go out to the Boer Republic.

Mr. TELLER. Mr. President, I do not desire to debate this question, as I want to save the time of the Senate, but I have here certain papers pertaining to affairs in South Africa, among them an article signed by the ministers of the Dutch Reformed Church of South Africa. I want to have these papers printed as a document, and [not published in the RECORD; but if the request to have them printed as a document is denied, I shall feel compelled to read them and have them go into the RECORD. I have looked them over, and there is no reason why they should not go into the RECORD, except I think we had better save the RECORD somewhat, and put them in the shape of a document.

The PRESIDING OFFICER. The Senator from Colorado requests that the papers submitted by him be printed as a document. Is there objection? The Chair hears none, and that order is made.

Mr. HANSBROUGH. Mr. President, I think that it is due at this point to have a little article on this subject, which I clipped from a newspaper the other day, read at the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AMERICANS IN SOUTH AFRICA—THEIR OPEN LETTER TO AMERICAN NATIONAL CONVENTIONS AND AMERICAN PEOPLE.

CAPE TOWN, May 16, 1900.

A number of Americans residing in South Africa are sending an open letter to the American national political conventions and to the American people. It begins:

"We, though differing upon the merits of the controversy culminating in the present war, entirely agree that the cause of humanity in Africa would be best served by our fellow-citizens in America observing strict neutrality. As Republicans and Democrats we deeply regret the efforts now being made in our country to drag this unhappy matter into politics, recognizing that such a course can benefit neither belligerent, but is calculated to prolong the strife by raising false hopes.

"We appeal to all the political parties in the United States in the name of humanity to refrain from cruelly playing with this matter for political purposes, believing that there is not, has not been, and never will be the slightest chance of our country departing from its traditional policy by intervening in this foreign quarrel. We are convinced that if this truth were fully realized in South Africa, as it must eventually be, the war would soon terminate and thousands of lives would be saved. Hence we earnestly appeal to the men of all parties to eliminate this matter from the coming campaign."

Mr. THURSTON. Mr. President, it may be well to get back to the subject under consideration, which is the pending amendment to the Post-Office appropriation bill. On Saturday last I voted against the committee amendment appropriating \$725,000 for the extension of the pneumatic-tube service. I voted that way upon the same ground that I voted in favor of the establishment of an armor plant by the United States. I believe that we ought, if we are to continue the business of the pneumatic-tube service, to build our own tubes, to own them, and control them. I know of no more reason why we should rent a pneumatic tube, used only for the purpose of conveying our mails, than we should rent post-office boxes in our own post-offices.

But, Mr. President, the question before the Senate now is somewhat different. Three years ago our Postmaster-General entered into a four-years' contract for pneumatic-tube service in four of our principal cities. It is suggested here that that contract was beyond the power of the Postmaster-General to enter into; that it was, as the lawyers say, ultra vires his authority. That perhaps is strictly and technically true. I am of the legal opinion that if we see fit to terminate this contract to-day the parties with whom we have contracted will have no legal claim capable of enforcement in our courts against the United States. But, Mr. President, that evades the real question. We knew that our Postmaster-General entered into a four-years' contract for this service, and after he did it we renewed two annual appropriations to pay for this service under his four-years' contract. It is evident to every thoughtful man that our Postmaster-General, in making such contracts, is enabled to secure a more favorable annual rental or compensation by entering into an arrangement for a term of years than he would be if he entered into an arrangement for one year only, leaving the question of its renewal open for further negotiation.

It is true with every contract entered into with our railroads for the transportation of the mails. If our Postmaster-General were to go to the railroads of this country and insist upon a one-year contract only for the transportation of our mails there is no question in the world but that he would be obliged to pay a larger annual rate than he would if he entered into an arrangement with the same roads for the same service for a period of years. Instrumentalities with large capitalization, having expensive plants to operate, can not afford to take short and limited contracts at the same terms that they can for longer periods of time.

Mr. President, it seems to me that the faith and honor of the United States are pledged, by its acquiescence for two years in

these contracts, to see them faithfully and honorably carried out. While I am opposed to any continuance of the pneumatic-tube service under existing conditions, unless this Government sees fit to construct lines for itself, I do feel that we ought to make this last appropriation to carry out and relieve ourselves from the obligation of the contracts entered into by the Postmaster-General, and I am in favor of the amendment now proposed.

Mr. LINDSAY. Mr. President, I have a copy of the contract on account of which it is claimed the pending amendment ought to be adopted.

Mr. STEWART. I hope the Senator will have it read. I have been trying to find out what it is.

Mr. LINDSAY. I shall read certain excerpts from it, and then I shall ask to put the contract in the RECORD.

This contract relates to the pneumatic-tube service in the city of Philadelphia. It provides, among other things:

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part as follows:

1. To pay the said party of the first part the sum of \$17,600 per annum in equal quarterly payments for the period hereinbefore mentioned; said pay to be subject, however, to reductions as hereinafter provided, or to be suspended and withheld in case of the delinquency of the said party of the first part.

The act approved March 3, 1897, provided, among other things:

For mail-messenger service, \$1,000,000. And the Postmaster-General may, in his discretion, use not exceeding the sum of \$150,000 of this amount in the transportation of mails by pneumatic tube or other similar devices, by purchase or otherwise.

The authority was itself confined to the time covered by the appropriation for 1898, and the bill for which was approved on the 3d day of March, 1897. Realizing the want of authority in the Postmaster-General to make a contract for four years, this provision was inserted in the contract by that officer:

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

So the Government is under no obligation, legal or moral, to carry out this contract beyond the particular time to which this particular appropriation shall apply.

I was in favor of the amendment offered by the Senator from Illinois, as amended by the amendment offered by the Senator from Massachusetts, upon the idea that this pneumatic-tube service had proved a success and that steps were to be gradually taken to introduce it into all the great cities of the United States, but the decided vote by which the amendment was laid on the table, including the amendment offered by the Senator from Massachusetts, indicates a disposition upon the part of the Senate of the United States to abandon this service as soon as it can be abandoned.

Mr. STEWART. I should like to inquire of the Senator if there is any pretense that any part of the services for which this appropriation is made has been performed? None has been performed, as I understand, and will not be until the next fiscal year.

Mr. LINDSAY. None of the services have been performed. It is an appropriation made in anticipation of the performance of these services during a coming and not during the present fiscal year at all.

If the business of transporting the mails by the pneumatic service is to be abandoned, I see no reason why Boston and New York and Philadelphia and Brooklyn shall enjoy an advantage that the Senate has decided no other city in the United States shall enjoy. So if we are to commence de novo the pneumatic service by building, constructing, operating, and owning the pneumatic tubes ourselves, I can see no reason why these cities shall not share the disadvantages of the want of such service with the other cities of the United States. Being under no obligations, moral or legal, to carry out this contract any further, I shall vote against the proposed amendment.

I ask that the contract may be printed as a supplement to my remarks.

The PRESIDING OFFICER. Without objection, that order will be made.

The contract referred to is as follows:

Contract for pneumatic-tube mail service between Philadelphia, Pa., post-office and Station No. 20, Bourse Building.

This article of contract, made and entered into this 10th day of March, in the year of our Lord 1898, by and between the Pneumatic Transit Company, a corporation created and existing under the laws of the State of New Jersey, by William J. Kelly, its president, party of the first part, and the United States of America (acting in this behalf by James A. Gary, its Postmaster-General), party of the second part:

Witnesseth, That the said party of the first part undertakes, covenants, and agrees with the said party of the second part:

First. To maintain and operate a line of pneumatic tubes in the city of Philadelphia, State of Pennsylvania, now constructed and owned by the said party of the first part, connecting the main post-office in the city of Philadelphia with the branch post-office known as Station No. 20, located in the

Bourse Building, Fourth street, in said city of Philadelphia, for the purpose of conveying the United States mails to and from the places above named for the term beginning on the 10th day of March, 1898, to and including the 30th day of June, 1901, at the rate of \$17,600 per annum.

Second. To promptly make all alterations, changes, and repairs that may be necessary in the opinion of the Postmaster-General, either by reason of breakage, defects in the tubes or other apparatus used in the operation of the service, or from any other cause whatever.

Third. To maintain and keep in good order the tubes, air compressors, and all other apparatus and appliances used in the service during the entire term of this contract, and to remove the same if required to do so by the Postmaster-General at the expiration of said term at the expense of the said party of the first part, without damage to said building.

Fourth. To furnish, erect, and maintain all necessary, new, or additional air compressors that may be required in the opinion of the Postmaster-General, at each of said terminal points, capable of supplying the necessary air to operate the said pneumatic tubes, and to transport the carriers containing mail matter.

Fifth. To furnish, erect, and maintain at each of said terminal points all necessary and any new or additional sending and receiving apparatus of all kinds, tanks, pipes, and all other machinery and appliances of every nature and kind, as may be required, in the opinion of the Postmaster-General, to successfully operate the pneumatic tubes, and to transport all mail matter capable of being introduced into the carriers between said points.

Sixth. To provide a sufficient number of steel carriers to perform the service required, their general style and construction to be similar to those now in use.

Seventh. To make all necessary and additional steam connections that may be required, in the opinion of the Postmaster-General, to the boilers or other steam supply on the main post-office building or building occupied by the branch post-office; also to make all connections with the exhaust pipes and drains in said buildings which may be necessary to operate and run the air compressors.

Eighth. That all material used in the construction, alteration, and repair of the tubes or other apparatus used in the operation of said service, and all work thereon, shall be of first-class character and quality.

Ninth. To furnish all labor necessary, in the opinion of the Postmaster-General, to properly conduct the service herein provided for, including engineers to attend the compressors, and all necessary employees at each terminal point to load and unload the carriers, handle all mail matter dispatched and received, attend the transmitters and carriers, and their proper dispatch and receipt.

Tenth. To furnish men and regulation wagons to transport the mail between said post-office and branch post-office, and so perform the service that is regularly performed by means of the pneumatic tubes, in default or failure of the tubes to operate at any time from any cause whatever.

Eleventh. Not to commit the care and transportation of the mail to any person under 16 years of age, nor to any person not of good moral character, or who has not taken the oath required by law, or who can not read and write the English language, and to discharge any employee engaged in the operation of the service when required to do so by the Postmaster-General.

Twelfth. To save the party of the second part harmless from all damages because of accident or other cause occasioned in the operation, repair, or construction of any part of, or apparatus or appliance connected with, said pneumatic-tube service.

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part as follows:

1. To pay the said party of the first part the sum of \$17,600 per annum in equal quarterly payments for the period hereinbefore mentioned; said pay to be subject, however, to reductions as hereinafter provided, or to be suspended and withheld in case of the delinquency of the said party of the first part.

2. To furnish all steam power necessary to operate the air compressors and other apparatus connected with the proper operation of the said pneumatic tube service.

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

It is further understood and is hereby agreed between the parties to this contract that the tubes, air compressors, sending and receiving apparatus, carriers, piping, and all appliances used shall be and at all times remain the property of the party of the first part; but during the period of this contract the United States shall have the exclusive use of such tubes for the purposes set forth.

It is further understood and agreed by the said party of the first part that for any failure or delay in the delivery of the mail not beyond its control, or for carrying the mail in a manner different or inferior to that hereinbefore specified; for suffering the mail to be wet, injured, lost, or destroyed, or for any other delinquency or omission of duty under this contract; for all or any of which the said party of the first part shall forfeit, and there may be withheld from its pay, such sum as the Postmaster-General may impose as fine or deduction, according to the nature and frequency of the failure or delinquency.

It is further understood and agreed that the Postmaster-General may annul this contract for repeated failures, for violating the postal laws, or for disobeying the instructions of the Post-Office Department.

In witness whereof the said Pneumatic Transit Company, by its duly authorized officer, has hereunto set its hand and seal of the corporation the day and year first hereinbefore written, and the said Postmaster-General has caused the seal of the Post-Office Department to be hereto affixed, and has attested the same by his signature.

Signed this 10th day of March, 1898.

[SEAL.] PNEUMATIC TRANSIT COMPANY.
[SEAL.] By WILLIAM J. KELLY, President.
CHARLES T. HARROP, Secretary.

Signed by the Pneumatic Transit Company in the presence of—
EDWARD FELL LUKENS.
F. L. WILSON.

Signed this 15th day of March, 1898.

[SEAL.] JAS. A. GARY,
Postmaster-General.

Signed, sealed, and delivered by the Postmaster-General in the presence of—

W. S. SHALLENBERGER.

Approved as to form:

H. J. BARRETT.

Acting Assistant Attorney-General for the Post-Office Department.

BOND.

Know all men by these presents, that the Pneumatic Transit Company, of Camden, State of New Jersey, principal; William J. Kelly, of Philadelphia, Pa.; Charles T. Harrop, of Philadelphia, Pa., and John K. Gittens, jr., of Philadelphia, Pa., as sureties, are held firmly bound unto the United States of America in the just and full sum of \$30,000, lawful money of the United States, to be paid to the said United States of America or its duly appointed or authorized officer or officers; to the payment of which, well and truly to be made and done, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, subscribed and dated this 10th day of March, 1898. Whereas the above-bound Pneumatic Transit Company has entered into contract with the United States of America to furnish and maintain pneumatic tubes and to transport the mail by said pneumatic tubes between the main post-office in the city of Philadelphia, and the branch post-office known as Station No. 20, located in the Bourse Building, in said city, for the term beginning March 10, 1898, and ending June 30, 1901, which contract is hereto annexed, bearing date of the 10th day of March, 1898, thereby binding itself to maintain and equip said pneumatic tubes and all necessary apparatus for the operation of the same, and to transport the mails according to the terms, conditions, covenants, agreements, and stipulations in the said contract contained.

Now, the condition of this obligation is such that if the above-bound Pneumatic Transit Company shall well and faithfully perform in all things all and every one of the covenants, agreements, and stipulations of the aforesaid contract on its part to be performed, then, and in that case, this obligation shall be void; but if said Pneumatic Transit Company shall fail or refuse to perform all or any of the said covenants, agreements, and stipulations of said contract, then, and in that case, this obligation shall be of full force and effect, and the said Pneumatic Transit Company and its sureties shall be liable for the amount of this bond as liquidated damages to be recovered in an action of debt on this said bond.

In witness whereof we have hereunto set our hands and seals this 10th day of March, A. D. 1898.

(SEAL.)
(SEAL.)
(SEAL.)
(SEAL.)

PNEUMATIC TRANSIT COMPANY,
By WILLIAM J. KELLY, *President, Contractor.*
WILLIAM J. KELLY, *Surety.*
C. T. HARROP, *Surety.*
JNO. K. GITTENS, JR., *Surety.*

Witnesses:

EDWARD FELL LUKENS,
F. L. WILSON.

OATH OF SURETIES.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

On this 11th day of March, A. D. 1898, personally appeared before me, a notary public, William J. Kelly, Charles T. Harrop, and John K. Gittens, jr., sureties on the foregoing bond, to me known to be the persons named in said bond as sureties, and who have executed the said bond as such, who, being by me duly sworn, depose and say, and each for himself deposes and says: He has executed the within bond; that his place of residence is correctly stated therein; that he is the owner of real estate worth the sum hereinafter set opposite his name over and above all debts due and owing by him, and all judgments, mortgages, and executions against him, after allowing all exemptions of every character whatever, the total sum thus assured amounting to \$40,000, being double the amount of the foregoing bond, as follows:

(SEAL.)
(SEAL.)
(SEAL.)

WILLIAM J. KELLY, \$30,000.
CHARLES T. HARROP, \$5,000.
JNO. K. GITTENS, JR., \$5,000.

Subscribed and sworn to before me this 11th day of March, A. D. 1898.

(SEAL.)

EDWARD FELL LUKENS,
Notary Public.

CERTIFICATE OF POSTMASTER.

I, the undersigned, postmaster at Philadelphia, State of Pennsylvania, after the exercise of due diligence to inform myself of the pecuniary ability and responsibility of the principal and his sureties in the foregoing bond, do hereby approve said bond, and certify that in my belief the said sureties are sufficient to insure the payment of double the amount of said bond; and I do hereby certify that the said bond was duly signed by the contractor and sureties before signing this certificate.

THOMAS L. HICKS, *Postmaster.*

PHILADELPHIA, March 12, 1898.

Mr. PENROSE. Mr. President, as regards the maintenance of the existing status of the pneumatic tube in the city of Philadelphia, where I believe its success and economy are admitted, and in fact it is admitted that there it has been more successful than in any other place, and in justice to the gentlemen who have invested their money in the company, I ask that a short communication be read, addressed to the Senator from Montana [Mr. CARTER], who is not present.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE PNEUMATIC TRANSIT COMPANY,
Philadelphia, May 21, 1900.

Hon. THOMAS H. CARTER,
United States Senate, Washington, D. C.

DEAR SIR: As the representative of the Post-Office Committee, I respectfully and urgently ask that you use your influence to protect this company, which operates the pneumatic postal service for the Post-Office Department in Philadelphia, from practical ruin and confiscation, as proposed in the Senate on Saturday. No greater injustice to innocent holders of stock could be imagined than the abrogation of our contract at the present time.

As you are aware, ours is the pioneer company to operate large tubes for the transmission of mail. We were the first to acquire the rights to use the Batcheller and other systems. Our stockholders consisted of about 60 reputable citizens, some of them men of moderate means. Our total capitalization was \$500,000.

It is exactly the same to-day. It has never been "watered." Every share that has not been paid for remains to-day in the treasury.

When John Wanamaker was Postmaster-General under President Harrison he caused an advertisement to be published calling for propositions for the construction of a pneumatic postal service. It was open to all competitors. One of the conditions imposed was that the work must all be done at the expense of the company whose bid was accepted and that the system should be operated free of expense for the Post-Office Department so long as the Postmaster-General deemed necessary. It was one of the most drastic

contracts ever entered into by a Government contractor, as you will see by reading its provisions as they appear in the RECORD of Saturday's proceedings. The only company to comply with these provisions was ours—the Pneumatic Transit Company of Philadelphia. It undertook and carried out successfully the construction of a 6-inch line in Philadelphia between the Bourse and the general post-office of that city, and never issued a bond to carry out the work.

When finished the Government insisted upon the use of the line for a year without any cost whatever. This was agreed to by the company. At the end of the year the Post-Office Department insisted upon a four years' trial for the nominal sum of \$3,400 per annum, not enough to pay the operations. At the end of the fifth year the Post-Office renewed the contract for \$17,500 a year, the existing rate.

So much for the iniquitous birth of the enterprise and its sinful conception, so far as we are concerned.

Since the completion of the Bourse line, this company has constructed an 8-inch line, connecting the Pennsylvania Railroad station and the Reading Railroad with the general post-office. We receive for our entire service in Philadelphia \$40,000 annually, out of which we pay the cost of wagons—one of these contracts, by the way, was formerly, I believe, \$14,000—the number of which we have steadily reduced from a dozen or more to a point where the entire untubable mail can be transported in a couple of automobiles, and \$5,300 rents for the room and power space in the two railroad stations mentioned.

We are now taking care of our fixed charges and this year will earn about 14 per cent on our capital stock.

There has never been a breath of scandal connected with our history or achievements, and to treat us in the way proposed by certain Senators, who are doubtless laboring under misapprehensions, would be a revolting wrong, entirely out of harmony with the traditions of the Senate.

Respectfully submitted.

WM. J. KELLY, *President.*

Mr. THURSTON. Mr. President, speaking for myself alone, I wish to disclaim the fact attributed to my vote on Saturday last. By voting against an increase of the appropriation for the pneumatic-tube service I certainly did not intend to vote against the policy of continuing and enlarging that character of mail service. In a general way I believe in it. I think we are to come to it. I feel certain that in our great cities it can be used to advantage. What I meant by my vote was that I believed in extending this service by the United States of America through the construction of its own plants, thereby insuring, as I think, the greater economy.

Mr. President, I did not intend to vote against continuing beyond this year the service through the existing companies in the four cities named if at the expiration of our present contracts we can renew arrangements with them on reasonable and just and satisfactory terms. Our contracts all expire in a year, and then we will be in a position either to build our own lines or to demand and secure reasonable terms from these companies. We will be in a position then, as suggested by the Senator from Colorado, very advisedly, I think, of saying to other municipalities, "Furnish us with the facilities at a reasonable price under arrangements that will guarantee the utmost economy in service, or we will do one of two things, either put in our own plant or else refuse you the pneumatic service."

But, Mr. President, while I admit that the existing contracts are not legally binding upon the United States of America, while we can make the present contract a three years' instead of a four years' contract if we choose, I do not believe it is consistent with the good faith of this Government, which has known of the existence of this contract with a four years' term and which has appropriated for its payment for three years, to stop it now. See what it will do. It will stop the pneumatic service entirely in the four great cities of our country. I do not believe we can afford to stop it. To continue it for another year will enable us to put ourselves in a position not only to continue the service economically thereafter, but to enlarge it in the best and cheapest possible way. Therefore I am in favor of paying up under our contract and of continuing this service to the end of the four years' term, between now and which time we can safely and properly adopt an economical policy as to the continuation of the pneumatic-tube service.

Mr. CHANDLER. Question.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). Is the Senate ready for the question on agreeing to the amendment of the Senator from Massachusetts [Mr. LODGE], upon which the yeas and nays have been ordered?

Mr. CHANDLER. Will the Chair have the question stated?

Mr. PETTUS. I ask that the exact amendment which we are to vote upon may be read.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 17, after line 9, it is proposed to insert the following:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

Mr. CULBERSON. Mr. President, I understand that a while ago the Senator from Kentucky [Mr. LINDSAY] read certain portions of the contract pertinent to this inquiry. Not having been in the Chamber at that time, and desiring to hear them, I ask that the extracts from the contract read by the Senator from Kentucky may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

First. To maintain and operate a line of pneumatic tubes in the city of Philadelphia, State of Pennsylvania, now constructed and owned by the said party of the first part, connecting the main post-office in the city of Philadelphia with the branch post-office known as Station No. 20, located in the Bourse Building, Fourth street, in said city of Philadelphia, for the purpose of conveying the United States mails to and from the places above named for the term beginning on the 10th day of March, 1898, to and including the 30th day of June, 1901, at the rate of \$17,000 per annum—

Mr. PENROSE. The Senator from Texas did not ask that the whole contract be read.

Mr. WOLCOTT. He wants read the clause wherein it is understood and agreed by the parties that it is subject to annual appropriations by Congress.

Mr. LINDSAY. That is it. It is embraced in the pencil marks, I think, on the third page.

The Secretary read as follows:

The said party of the second part, to wit, the United States of America, acting by its Postmaster-General, under the authority granted to him by the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1898," approved March 3, 1897, and in consideration of the premises and the other covenants and undertakings of the party of the first part herein contained, covenants and agrees with the party of the first part, as follows:

It is fully understood and agreed that the payments under this contract beyond the period of the current fiscal year shall be contingent upon future appropriations provided by Congress therefor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. If he were here, I should vote "yea." I do not know how he would vote. I should like to know.

Mr. TURLEY (when his name was called). On this question I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. TURNER's name was called). The Senator from Washington [Mr. TURNER] is paired on this question with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BACON. I announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. JONES of Arkansas] and will vote. I vote "nay."

The result was announced—yeas 33, nays 20; as follows:

YEAS—33.

Allison,	Gallinger,	McBride,	Quarles,
Burrows,	Gear,	McComas,	Ross,
Caffery,	Hanna,	McMillan,	Sewell,
Carter,	Hansbrough,	Mason,	Shoup,
Chandler,	Hawley,	Morgan,	Stewart,
Clark,	Hoar,	Penrose,	Thurston,
Deboe,	Jones, Nev.	Perkins,	Wellington,
Elkins,	Kean,	Pettus,	Wolcott.
Fairbanks,	Kyle,	Platt, Conn.	
Foster,	Lodge,	Platt, N. Y.	

NAYS—20.

Allen,	Clay,	Hettfeld,	Pettigrew,
Bard,	Cockrell,	Kenney,	Rawlins,
Bate,	Culberson,	Lindsay,	Teller,
Berry,	Daniel,	Money,	Tillman,
Butler,	Harris,	Nelson,	Vest.

NOT VOTING—23.

Aldrich,	Depew,	McLaurin,	Spooner,
Bacon,	Foraker,	Mallory,	Sullivan,
Baker,	Frve,	Martin,	Taliaferro,
Beveridge,	Hale,	Pritchard,	Turley,
Chilton,	Jones, Ark.	Proctor,	Turner,
Cullom,	McCumber,	Scott,	Warren,
Davis,	McEnery,	Simon,	Wetmore.

So Mr. LODGE's amendment was agreed to.

Mr. STEWART. I offer the amendment which I send to the desk.

Mr. WOLCOTT. Will the Senator kindly yield? There are just two other committee amendments.

Mr. STEWART. I thought the Senator had disposed of the committee amendments.

Mr. WOLCOTT. I thought so, too, but one of them is formal, and the other one I have been instructed by the committee to report. I am instructed by the Committee on Post-Offices and Post-Roads to report an amendment which will come after the amendment which has just been adopted.

The PRESIDING OFFICER. The Senator from Colorado, from the committee, reports an amendment to follow the amendment already adopted, which will be stated.

The SECRETARY. Following the amendment just adopted, it is proposed to insert:

For the investigation by the Postmaster-General of the cost of construction, operation, and utility of pneumatic mail tubes, including full details and maps, as well as the cost of stations and their operation and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, \$10,000.

Mr. PETTIGREW. Mr. President, I voted against the amendment offered by the Senator from Massachusetts to appropriate \$225,000 for the use of pneumatic tubes now in operation. I did so because, in the first place, these contracts were made by the Second Assistant Postmaster-General without any authority on the part of Congress, and, I believe, at a very excessive price. The average of the rent for the use of the present pneumatic tubes is over \$38,000 a mile per year, which, in my opinion, is fully \$20,000 a mile more than the service is worth, even if the rental covered the cost of operating the tubes.

We have been unable, in every inquiry which we have had, to ascertain what it costs to lay these tubes from the parties who have put in the plants or to get any information whatever with regard to the cost of operating the plants. We have also been unable to get from them any proposition to sell the patents to the Government of the United States, so that we could put in the plants ourselves.

Therefore I believed if the amendment was defeated no injustice would be done, because the people who already own these tubes have received in rentals more money than the entire plants cost, and I believe many times over more money than the entire plants cost.

In the second place, the plants would be there and it would be a subject of negotiation in the future, which I believe would result ultimately in the Government purchasing these plants at a fair and reasonable price, and also with it securing the right to put in plants in other cities if it is found that it is best to do so.

I am not in favor of the pending amendment as I understand it, because it seems to me that it contemplates the extension of the system in the hands of this company. I do not believe we ought to build up in this country another corporation receiving from the Government its principal compensation in the way of rent, and thus enabling it to pay dividends upon a vast amount of stock which has been issued without any consideration whatever.

I think it was a mistake that the Government did not purchase years ago the telegraph system of the country. To-day the people of the United States pay interest and dividends upon \$130,000,000 for a telegraph plant that could be reproduced for \$25,000,000. If the pneumatic tube is a good thing, then let us purchase it and own it, and thus prevent the people of this country from being taxed enormous sums of money to pay dividends upon stock for which no consideration has been paid.

Mr. CHANDLER. I wish to call the attention of the Senator from South Dakota to the fact that this proposition to make an inquiry is in the broadest possible form. It instructs the Postmaster-General to find out whether pneumatic tubes should be owned, leased, extended, or discontinued by the Government. Therefore, if he is right in his views, there will be a report made by the Postmaster-General on that subject.

Mr. MASON. May I ask if the information whether the Government should own it or not will be given?

Mr. CHANDLER. It covers the whole ground. The Senator from South Dakota said that the amendment contemplated the extension of the system. It does not contemplate the extension of the system necessarily. The Senate has voted that no additional contract shall be made, and it is now proposed to provide for an inquiry as to whether the system shall be extended or wholly discontinued and, if extended, whether the Government shall own the tubes or lease them. So I think that the Senator from South Dakota ought to vote for this amendment.

Mr. PETTIGREW. Mr. President, the first appropriation made for pneumatic tubes was a smaller sum than that carried by this bill, and the amendment to the appropriation act read: "For extending the pneumatic-tube service by purchase, lease, or otherwise." When I objected to this and held that the Government should purchase the right and put in its own plant, the argument made in the committee always was that the amendment provided that the Government might purchase it, the language being "by purchase, lease, or otherwise." It was a thin guise under which the increased appropriations were secured to extend the private plants and then rent them at exorbitant prices.

This amendment is of the same character, and no more good will

come of it, if we can judge by our past experience with the Post-Office Department. No effort was ever made by the Department to purchase or otherwise under the provisions of the appropriation acts of the past. We never could secure any information from the Postmaster-General or his subordinates or from anyone else upon the subject of the cost of purchasing the right to put in the plant. No wonder we are paying \$37,500 per mile per year for the use of the plant in New York City. If they could continue the system at that price, it was too profitable to offer any encouragement whatever for the Government to accept it.

This company employing, as it did immediately after he ceased to be Second Assistant Postmaster-General, that officer as an officer of this corporation, it seems to me the course of the company has been such that it is entitled to no consideration at our hands. Do we want to ask the Postmaster-General whether it is a good scheme for us to continue to rent of a private company and turn a portion of the post-offices built by the Government over to their use, or whether it is a better policy for us to purchase the plant and own it ourselves? It seems to me that we need no advice upon that subject. Our experience with building up these corporations in the past ought to be warning enough. For my part, I desire no information, or advice, rather, for it is not information upon that particular subject.

Therefore I believe the amendment ought to be defeated and that this matter ought to be taken up in a proper way. An amendment ought to be put on instructing the Postmaster-General to ascertain at what price he can purchase the right to put in plants and also to purchase the existing plants, and no other question ought to receive consideration.

Mr. MASON. Mr. President, every question and every suggestion made by the Senator who has just taken his seat is covered by this amendment. It is requested by the Post-Office Committee. Every member of the Post-Office Committee joined in the request to make this investigation. We in Chicago who have been anxious for this system found everyone opposing it, saying, "We have no information." "How much does it cost?" "How much does it cost to operate it?" "Is there any other way to do it?" "Can not the Government own it?" After you have decided to go on with the contracts that are already in force, we simply ask to give you the information that every Senator who opposed the system asked for when he took his place on the floor in this Chamber. They said, "We have no estimate."

Now, this amendment is not for the company known as the Batcheller Company. I prepared an amendment practically the same as this, without consulting the company or anyone else. There is not a Senator here who likes fair play but what knows that what we want is information. You have defeated the plan for Chicago to have the service that Boston, New York, and Brooklyn have, and all upon the ground that you do not know anything about it. Now, the Committee on Post-Offices and Post-Roads have asked (and it is a committee amendment unanimously agreed upon, so far as I know) that the Postmaster-General shall report what it does cost, how much the patents will cost, and whether the Government ought to own it.

I will say to you now nothing would suit me better, and I believe nothing could be done so easy and so cheap as to have the Government of the United States own the plant which goes into the city of Chicago. I believe the citizens of Chicago and the board of aldermen would give the right to the Government to lay its pipes there without any question, without any trouble.

So far as I am concerned, I want the Senate to understand that this amendment calls for just that investigation, so that when we come back here at the next term of Congress the Department will state in its report how much it costs a mile and whether it is an advantage to the Government to own it or not, or whether we ought to rent it.

Then we are not bound by that report. It is simply a request that I may stand in my seat at the next session of Congress and furnish the information to you, gentlemen, who say you are the friends of the enterprise if it is wise and expedient. If it is not of utility to the Government the Postmaster-General can so report, and if it is of utility to the Government he can so report. If the Senator does not believe that report, he is not bound by it; but I think as a matter of fair play to the city I represent he should let us have the facts which Senators say they want. Every Senator in this Chamber has asked how much is it worth? How much have we paid these corporations? Have we been paying them too much? If so, let us stop it; but after you have furnished the cities of Boston, New York, Brooklyn, and Philadelphia with a continuance of the contract, do not say that you propose to close the door and not even permit the city of Chicago to have the advantage at least of information upon the subject, so that we may present, possibly, a plan whereby the Government may own the plant there. You may be able to start there on that plan. I shall be satisfied and the people there will be satisfied.

We verily believe that if the Department takes hold of it, as I believe it will, we can establish the plant through Government

ownership. That course may be economical. The chairman of the committee has offered this as a committee amendment, and you ought not to refuse this information, it seems to me, if you believe in fair play. If you intend that we shall not have the information, so that you can stand in your places next session and say, "We do not know anything about it," then of course you can object to the information and use your lack of information at the next session of Congress as a means of defeating this service again.

Mr. PETTIGREW. Mr. President, two years ago we passed a resolution, or amendment, I think, to an appropriation bill, which authorized the appointment of a commission composed of four members of each House to secure this identical and specific information.

Mr. MASON. The Senator, I think, is mistaken about the information being identical and specific.

Mr. PETTIGREW. It covered the whole operation of the Post-Office Department, and it covered this field. It was fully within the power and province of that commission, as two members of it have suggested to me within a few moments, to investigate this whole subject and cover this entire question.

Now, I am hesitating between two opinions, as to whether it is safer to trust the Postmaster-General or this commission; whether in the one case we will not get information that will mislead us, and whether in the other case we will ever get any information at all. I think we ought to have the information. The post-office commission do not seem disposed to furnish it and will not even print the testimony that has been taken before them. I understand that they are making an effort now, or somebody is, to have the testimony doctored and changed that was taken before the commission, because of the fact that it may be in some cases a little damaging to the railroads. I do not charge the commission with being a party to this, but I do charge that it is within the knowledge of some members of the commission that this is the fact.

Mr. WOLCOTT. Let me say to the Senator that I never heard of such a suggestion in the world. There is not a single word of anybody's evidence that has ever been taken down that has ever left the commission or is not at the inspection of everybody. I do not think the Senator would seriously charge that any member of this commission is going to doctor or change any testimony.

Mr. PETTIGREW. I did not charge it, and I do not understand that they knew of it, but some members of the commission knew that there was an effort in that direction.

Mr. WOLCOTT. I never heard of it.

Mr. PETTIGREW. I did not charge that the Senator knew of it, and he is a pretty sharp fellow, too.

Now, I do not know that I blame the Senator from Illinois for wanting to seek some other source for getting information, and I do not know that I particularly object to the amendment if it shall contain a provision that we shall have information also upon what the patents can be purchased for, in order to put in and operate the plants on the part of the Government.

Mr. MASON. I am willing to have that amendment made with the consent of the chairman of the committee.

Mr. WOLCOTT. All right.

Mr. MASON. Insert in the next to the last line "and also the cost for the use of any patents."

Mr. PETTIGREW. Yes; "at what price the Government can purchase the right to put in plants of this kind."

Mr. MASON. "At what rate the Government can purchase the right to use it." I want all the information we can get; then, if we can not get it cheap enough, we can abandon it, but we will not abandon it owing to lack of information.

The PRESIDING OFFICER. Will the Senator from Illinois state what his amendment to the amendment is?

Mr. MASON. The chairman of the committee will insert it.

Mr. WOLCOTT. I suggest that we add "also the cost at which the Government may acquire the existing plants or necessary patents." Will that cover it?

Mr. MASON. Very well.

Mr. MALLORY. I should like to hear the amendment to the amendment read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. Add at the end of the amendment the following:

Also the cost at which the Government may acquire existing plants or necessary patents.

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question is on agreeing to the amendment of the committee as modified.

The amendment as modified was agreed to.

Mr. WOLCOTT. There is a formal amendment. On page 3, lines 18 and 19, after the words "three at \$2,000," the word "each" should be inserted. That word was omitted by an oversight of the Clerk. After the word "dollar," in lines 18 and 19, I move to insert "each," so as to read "three at \$2,000 each."

The amendment was agreed to.

Mr. WOLCOTT. Now, Mr. President, this disposes of the committee amendments and leaves pending the amendment offered by the Senator from Georgia [Mr. CLAY], a member of the committee, and which has been printed, and an amendment of which the Senator from Nevada gave notice.

Mr. STEWART. I will offer my amendment now.

The PRESIDING OFFICER. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. Line 22, page 24, after the word "criminals," insert:

And provided further, That all deficiencies in the postal revenue of Cuba resulting from criminal or unlawful appropriation of money by officers appointed by or under the authority of the United States and not recovered from said officers or upon their bond shall be reimbursed by the Postmaster-General, and the amount necessary for the purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. BUTLER. I offer an amendment, to come in after line 11 on page 26, at the end of the bill, as a proviso to the committee amendment.

The SECRETARY. Add as a proviso, following the word "commission," at the end of line 11, page 26, the following:

Provided, however, That all testimony heretofore taken by said commission shall be at once printed, and that all testimony hereafter taken shall also be printed from time to time for the use of Congress.

Mr. WOLCOTT. Mr. President, the commission has taken something more than 2,000 pages of testimony. It has not published the testimony yet, because the testimony is not complete, not only as to subjects, but it is not wholly complete as to witnesses. For instance, the statistician, the expert of the commission, has given testimony on several different branches of the subject. He is now preparing further testimony on another branch. From time to time there may be additions made. There have been statements made by Mr. Acker, for instance, followed by subsequent statements by Mr. Acker, as new developments have taken place.

When there has been a new weighing by the Department it is sure to be followed by expert testimony, or testimony on both sides of the question. We have printed a copy for the use of each member of the committee, and every page, every word taken, has been printed exactly as taken except for the correction of grammatical errors, and it all stands as the testimony of the witnesses. It has not been edited. It has not been indexed. It is not in a position to give out, because it is not complete. It is intelligent as far as it goes, but it is not comprehensively taken yet, and it is not finished.

There is no objection, if the Senate sees fit, to appropriate the money to publish all this testimony. It will all be printed later in a different form with the testimony of witnesses separately arranged and differently arranged and properly indexed and properly headed. There are 2,000 pages of it. The objection to the proviso is not in the slightest degree that anybody objects to the whole world seeing it, but it is only to spending the money of the Government in printing the testimony before it is in proper shape. There has not been an attempt to refer the printing to the proper committee until it was completed; that is all.

Mr. BUTLER. I will ask the Senator if it will cost as much as \$3,000,000 to publish it?

Mr. WOLCOTT. No; but I do not know how much it will cost. The chairman of the Committee on Printing is not here. Some expert can tell. There are something over 2,000 pages, and it is not completed. Everybody getting these 2,000 pages would throw it away when the final testimony is taken, because the other will not be published as supplemental. I only wanted the committee to know the fact. I suppose, under the rules of the Senate, such a resolution should go to the committee, the cost being over \$500.

Mr. BUTLER. I understand the only objection the chairman makes to this amendment is the cost.

Mr. WOLCOTT. The cost and the inutility, that is all. It will be utterly useless when the subsequent testimony shall be printed. But the question is in the hands of the Senate. It is a matter of indifference to every member of the commission, of course, except that we do not like to give you that which is not complete.

Mr. BUTLER. Mr. President, we can examine now what testimony there is, and it will then take less time to examine it when complete. The commission is not to report under this amendment until the 1st of next January. We will have another appropriation bill here right on the heels of that report, before we shall have time to examine the testimony, and we will be asked to pass the next appropriation bill before we shall have time to examine it.

Mr. WOLCOTT. If the Senator will permit me, it is entirely in the hands of the Senate, and it is a matter, as I said, of indifference to every member of the commission; but I suggest that the Senator could frame the amendment so as to specify the number of copies. It is a very vague and indefinite quantity. What

will he have done? Will there be so many thousand printed for the use of the Senate and so many for the use of the House, and be done with it?

Mr. BUTLER. The usual number will be printed and supplied to the document room.

Mr. WOLCOTT. I will say to the Senator that I think there is no usual number under such a provision.

Mr. BUTLER. The law provides that the document room shall be supplied with a certain number.

Mr. WOLCOTT. Is it to be printed as a document, shall we say?

Mr. BUTLER. It is intended to be printed for the use of the two Houses, as a document for the two Houses.

Mr. CHANDLER. I suggest to the Senator that 450 copies, one copy for each Senator and one copy for each Representative, of the incomplete testimony might be sufficient.

Mr. BUTLER. I will modify the amendment by calling for 450 copies.

Mr. PETTIGREW. Let us have a thousand copies at least.

Mr. BUTLER. There is no objection to a thousand copies.

The PRESIDING OFFICER. Will the Senator state where his proposed modification is to come in?

Mr. BUTLER. Let it be for 1,000 copies.

The PRESIDING OFFICER. The amendment will be read as modified.

The Secretary read as follows:

Provided, however, That 1,000 copies of all testimony heretofore taken by said commission shall be at once printed, and that 1,000 copies of all testimony hereafter taken shall be printed from time to time for the use of Congress.

Mr. BUTLER. If we had had that testimony I have no doubt the Senate could have reduced the railway mail pay some, for there is testimony in the hearings, I am informed, that would have been very valuable in the discussion of the question of the reduction of the railway mail pay, and yet we were not able to get it.

Mr. PETTIGREW. I should like to ask the Senator a question, if he will permit me.

Mr. BUTLER. Certainly.

Mr. PETTIGREW. I should like to know whether the Senator has any information in regard to a recommendation by Mr. Adams, the expert of the commission, for a reduction of the railway mail pay, and what that is, if there is any such recommendation?

Mr. BUTLER. I have been informed, and I believe reliably so, that Mr. Adams, the expert employed by this commission, after giving a large mass of facts and data, reported as his conclusion that there should be a reduction of the railway mail pay; that he reported a certain reduction that should be made for all railroads, and then advised that as the amount of railway mail matter increased the reduction should be increased and made larger and larger. I have not seen the testimony and have not been able to get it; but, whatever it is, we ought to have had it when this bill was pending, and I think, even though it is partial, we ought to have had the benefit of it. I have not been able to use it, but I understand there is such testimony, and I think it is correct.

Mr. GALLINGER. If the Senator will permit me, I will venture to suggest to him that a provision on the Post-Office appropriation bill for the printing of testimony is a very unusual thing. I take it, if this testimony is to be printed, if provision is made for it on this bill, that the Post-Office Department would be expected to print it out of the appropriated funds. Does not the Senator think it would be better to offer what is contained in his amendment as a Senate resolution and have it passed through, and in that way get the information?

Mr. WOLCOTT. I will say to the Senator from North Carolina that if he will offer it as a Senate resolution, I shall be glad to facilitate it, and I have no doubt we shall all be glad to facilitate it in every possible way. That is the proper form in which the matter should be presented, not in the appropriation bill, where it will go to the Post-Office Department to print testimony in the hands of a Senate or a House committee. If the Senator will offer it as a Senate resolution, it can be passed at once and there will be no objection to it; but it ought not to be placed on the appropriation bill, as it seems to me.

Mr. BUTLER. We can change it so that it will be printed by the Senate. It is very easy to change the pending amendment so as to have the same effect as a resolution.

Mr. PETTIGREW. The resolution would have to be a joint resolution, because the printing would exceed the limit of cost.

Mr. WOLCOTT. Not if printed as a document.

Mr. PETTIGREW. Yes, it would.

Mr. BUTLER. The printing of the testimony will be secured by having the provision on this bill; and I ask that the question be put on the amendment.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Carolina [Mr. BUTLER] as modified.

The amendment as modified was agreed to.

Mr. WOLCOTT. There is a further amendment offered by the Senator from Georgia [Mr. CLAY], which I should be glad to have read.

The PRESIDING OFFICER. The amendment will be stated. The Secretary proceeded to read the amendment submitted by Mr. CLAY on the 18th instant.

Mr. CLAY. Mr. President, I will state that I offered the amendment on Friday evening last, and that it will be found printed in full on pages 6148 and 6149 of the RECORD of the 18th instant. I do not think it is necessary to read it again, unless some Senator particularly desires it. I understand the Senator from Colorado intends to make a point of order against the amendment.

Mr. WOLCOTT. Mr. President, I desire to make a statement which will probably do away with the necessity for reading the amendment.

This is an amendment which has been offered for the reclassification of the railway postal clerks. I simply want to call the attention of the Senate to the facts. This will be of interest to Senators, for I know we have all been approached by some members of this industrious and efficient order.

Under the present status of the bill as it came from another Chamber, and as it is now before the Senate, the provision for the employment of railway postal clerks alone has been increased \$785,370. Of this amount \$541,870 is for annual clerks as the bill came from another Chamber; \$243,500 as an increase of salary for the present clerks, of which the Senate, upon recommendation of its committee, has added \$54,700.

So, Mr. President, by this bill 1,632 postal clerks have been put back from \$1,150 to \$1,200, and 200 at \$900 each per annum have been increased to \$1,000 each per annum.

There are five classes of railway mail clerks, at \$800, \$900, \$1,000, \$1,200, and \$1,400. At a time when the Department was running behind some years ago, under an order, I think, of Postmaster-General Key, the \$1,200 class were dropped back to \$1,150, and the \$1,400 class to \$1,300. This continued for many years. The proposed legislation of Congress upon this bill will put those back, so that all these clerks will receive \$1,200 instead of \$1,150, and \$1,400 instead of \$1,300.

The \$800 class is one of form only. As soon as a clerk has been six months in the service he is at once promoted to the higher grade, his service as a substitute clerk has passed, and he is then classed as a regular clerk. So that practically few, if any, railway postal clerks serve at any time for \$800 a year. The present average pay of the railway postal clerks of the country is \$1,056.

We have gone a long way toward meeting the wishes of those representatives of the railway postal clerks who call for the reclassification of the clerks.

The amendment proposed by the Senator from Georgia is a measure that does not belong to an appropriation bill. It has been introduced as a separate measure; and it was not deemed advisable either in another Chamber, where it was first introduced, or here, that it should be dealt with at this Congress. Our appropriations, as I say, have lifted up many of these clerks to higher salaries, and it did not seem best to us in the Senate committee that we should deal further with this subject at this time; certainly that it should not be dealt with on an appropriation measure.

For that reason I feel it my duty to raise the question of order upon the amendment. It is new legislation; it is legislation not estimated for, and it is not reported from a committee.

Mr. CLAY. Mr. President, just a word before the point of order is passed upon.

This amendment was introduced before the Committee on Post-Offices and Post-Roads, and defeated by a tie vote. I will not, however, refer to what happened before the committee.

We have 5 classes as the law now stands: Class 1, who draw a salary not exceeding \$800 a year; class 2, who draw a salary not exceeding \$900 a year; class 3, who draw a salary not exceeding \$1,000 a year; class 4, who draw a salary not exceeding \$1,200 a year; and class 5, who draw a salary not exceeding \$1,400 a year.

The Post-Office Department for a number of years has recommended that there be a reclassification. The amendment which I have offered has been recommended by the Post-Office Department for more than a dozen years. The Second Assistant Postmaster-General has recommended it time and again, and so has Superintendent White; and their letters making the recommendation will be found in the RECORD at the time the amendment was introduced, on Friday last.

I desire to say, while it is true that there has been an increase made by the Committee on Post-Offices and Post-Roads in regard to the railway mail clerks, this increase largely has reference to those already drawing good salaries.

I have before me a list of those who were increased. There are 11 clerks who were drawing \$1,600 per year, who will now get \$1,800; there are 85 clerks who were drawing \$1,400, who will now get \$1,600 under this increase; there are 1,227 clerks who were getting \$1,300, who will get \$1,400 under this increase; there are 1,632 clerks who were getting \$1,150, who will get \$1,200 under this

increase, whilst those clerks who were drawing \$800 and \$900 and \$1,000 per year, who would be provided for under the amendment which I introduced, are not reached at all by the increases which have been made by the bill. In other words, the bill as it came from the House of Representatives selected those who are getting good salaries and left off those who were drawing smaller salaries, but who really do as much work as those drawing the larger salaries.

The Senator makes the point of order on this amendment that it changes the classification law as it now exists. I desire to call attention to the fact that this bill as it came from the House, and as it came from the Senate committee also, changes the classification law. The maximum amount fixed by the law as it now stands was only \$1,600 per year. We have changed it already and made it \$1,800 per year. If the rule which the Senator invokes in this case shall be applied in this instance, I desire to call his attention to the fact that more than two-thirds of the salaries of the officers in the Post-Office Department and the Railway Mail Service have been changed from those fixed by existing law. We have already changed the law and given them \$1,800 per annum each, while they were only entitled under the old law to draw \$1,600 per annum.

Mr. President, to come in here and select three or four classes, and simply say that they shall be changed and draw more salary than the old classification law gives, and then go down to the bottom, and when you undertake to change those who have not the same influence as those who are drawing good salaries and say that the rule shall not apply, is manifestly unjust.

I say the reason why I introduced this reclassification measure as an amendment to this bill is that it has been pending here the entire session, and we have been unable to get it acted upon. So as a matter of justice to this class of employees I offer it as an amendment to this bill.

Mr. CHANDLER. Mr. President, there is no class of postal employees whose salaries I would be any more willing to raise than the postal clerks on the cars. They run great risks of loss of life, and they ought to be an especially favored class of employees of the Government; but the Committee on Post-Offices and Post-Roads not only have before them this bill for reclassifying the postal clerks, but they have also bills for reclassifying the clerks in the post-offices and bills for reclassifying the letter carriers. It is manifest that if we undertake to put one reclassification upon the Post-Office appropriation bill we ought, in justice, to put the others, the second and the third reclassification bills, upon the Post-Office appropriation bill; that is to say, if we believe it is just to make the reclassification.

The committee has not undertaken to do this. No member of the Senate has undertaken to move these other reclassification bills; and if the point of order had not been made by the chairman upon this amendment, of course these other bills would have been offered as amendments, and then this appropriation bill would have been made what an appropriation bill is not intended to be—a bill of general legislation in reference to the subject-matter of the bill.

I think the rule of the Senate is a wise one. Certainly we ought not to signalize the first session at which the appropriation bills have been distributed, and some of them taken away from the Committee on Appropriations and given to the special committees having the particular subjects in charge, by loading the appropriation bills down with general legislation. I say that with all respect to the wishes of the Senator from Georgia [Mr. CLAY], and being, I think, in favor of that bill as a separate measure.

In the Committee on Naval Affairs there were various propositions of legislation, some half dozen of which commended themselves to the judgment of the Committee on Naval Affairs, but that committee by an express vote decided that it would not put legislation of that kind upon the naval appropriation bill; and such, in substance, was the action of the Committee on Post-Offices and Post-Roads on this bill.

Therefore, Mr. President, without regard to the point of order, in great sympathy with the postal clerks, and with a general desire to better the condition of all these employees of the Post-Office Department, I express the wish to the Senator from Georgia that he will withdraw the amendment, instead of asking the Chair to rule upon it.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. TILLMAN. I should like to get a little light from the chairman of the committee [Mr. WOLCOTT] or the Senator from New Hampshire [Mr. CHANDLER], if the Chair will indulge me for a moment, as to the method which was pursued of increasing the salaries in the bill. Was it under a law, or did you just increase them haphazard or without any regard to law?

Mr. WOLCOTT. I will tell the Senator when this measure came to us from another Chamber we accepted as legal and binding whatever provisions we found upon it. The Senate can make

its own rules; it may live up to them and observe them or disobey them; but it can not make rules for another Chamber. Therefore we assumed the bill when it came to us to have been legitimately and legally passed. We then took it and raised, in accordance with law, 694 clerks who were getting the \$1,150 a year each to a class under which they would draw \$1,200 a year and from the drawing of which they were cut down in poorer days by the order of the Postmaster-General. So that we have not changed the classification. We have reinstated them in the class to which they belonged, and that is all we have done. We then took 200 out of the \$900 grade and raised them to \$1,000.

Mr. CLAY. Will the Senator permit me to ask him a question right there?

Mr. WOLCOTT. Yes.

Mr. CLAY. Is it not true that the classification act, as it now stands, fixes the maximum salary of the clerks at \$1,600 per annum and that this bill, if we pass it as it stands, will change the classification law and fix the maximum salary at \$1,800 per annum?

Mr. WOLCOTT. That is not by any act of the Senate.

Mr. CLAY. But the classification law has been changed by this bill?

Mr. WOLCOTT. Yes.

Then we took 200 clerks at \$900 each and increased them to \$1,000 each, all within the classification act. So I can say to the Senator from South Carolina that nearly 40 per cent of the post-office clerks of the United States to-day have got their salaries raised by this bill. There are 8,650 clerks, and of these 8,650 clerks, 3,155 have their salaries raised by this bill.

Mr. TILLMAN. The question I wished to ask the Senator from Colorado and the Senator from New Hampshire, if they were willing to answer it, is why they make fish of one and flesh of the other?

Mr. WOLCOTT. I will say to the Senator that if he will read the testimony he will find that as to some of the higher salaries perhaps it will be interesting to him to know that 11 men under the bill are taken from a salary of \$1,600 and raised to a salary of \$1,800, 85 men are taken from a salary of \$1,400 and raised to \$1,600, 1,237 are raised from \$1,300 to \$1,400, 1,632 are raised from \$1,150 to \$1,200, and 200 from \$900 to \$1,000.

Now, I will say to the Senator from South Carolina that in a few instances, where the larger salaries are voted, it has been for these reasons: The number of important junction points where railroads meet and exchange postal cars, exchange facilities, and distribute the mail, and the termini of postal routes are constantly increasing in the United States. As the postal business increases the commerce increases, and the transmission of the mails and intelligence increases. There are, therefore, more head clerks and superintendents needed—far more than formerly; and from year to year there must be an increase in their number.

Where a man is taken from the high class of the best postal clerks and put in charge of a station, in charge of a route, or in charge of a terminus, his salary is raised by this bill so that he may receive the same pay that his associates received when they were fewer in number than they are now. That is all. There is no making fish of one and flesh of another. It is an honest attempt to deal by the Post-Office Department with entire fairness to its employees.

I desire to call the attention of the Senator to the fact that the average pay of a postal clerk is \$1,056 a year.

Mr. TILLMAN. The Senator has not made it clear to my mind, at least, why some of these men who are going to do the same work do not also have their pay increased.

Mr. WOLCOTT. The reason why a large number of these people get their pay raised \$50 is because their pay never ought to have been reduced. It is merely to put them back where they belong.

Mr. TILLMAN. But this puts up some men \$200 and some \$100.

Mr. WOLCOTT. I have explained twice to the Senator from South Carolina that the only men who have gone up are those put in charge of terminals, those who are in charge of routes, and those who are engaged in most responsible work. There is no making fish of one and flesh of another.

Mr. TILLMAN. The Superintendent of the Railway Mail Service having recommended this reclassification, why not leave it to his discretion to select from among his subordinates those who are entitled to go into certain classes? I do not see why the Senate should arbitrarily make these selections and grant increases to some and not to others. Why not leave it to the Superintendent to determine who should go up and who should not?

Mr. CLAY. Will the Senator allow me?

Mr. TILLMAN. Certainly.

Mr. CLAY. Is it not true that the Post-Office Department for twelve years—under Mr. Cleveland's Administration, under Mr. Harrison's Administration, and during Mr. McKinley's Administration—have recommended the reclassification which I have proposed here in the form of an amendment? I have also produced letters from the Department, which were inserted in the RECORD

last week, from the Second Assistant Postmaster-General and from Superintendent White in favor of the identical classification which I have proposed.

Mr. TILLMAN. The Senator says so, and I take his word for it. I am not on the Post-Office Committee, and I have not examined this matter, and so can not say; but I know the Senator is correct in his statement. Why should these increases not be made under some proper regulations, instead of picking up arbitrarily some employees here and there and increasing them \$100 and \$200 a year? Why not allow the Superintendent of the Railway Mail Service to designate and reclassify and divide out this additional compensation?

Mr. CHANDLER. Mr. President, the Committee on Post-Offices and Post-Roads took up this bill item by item. They made certain changes in it, and they may, for all I know, have changed existing law; but they did not put a whole reclassification bill in one section or two sections upon this bill.

Mr. TILLMAN. Has it reclassified the clerks?

Mr. CHANDLER. The Senator from Georgia [Mr. CLAY] could have moved every one of these specific appropriations, and the committee would have passed upon them.

Mr. President, I should not make the point of order that the existing law could not be changed on the recommendation of a Senate committee, for it can be. I should not make a point of order that there can not be some increases of salary upon an appropriation bill; but I make the point of order that that is the privilege, under the rules, of a committee; that when the committee have done their work as well as they can and the bill is before the Senate, upon motion of a single member, not backed by the authority of a committee, you can not increase an appropriation.

Mr. ALLEN. Mr. President—

Mr. PENROSE. I call for the ruling of the Chair on the point of order.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order, but he will listen to the Senator from Nebraska [Mr. ALLEN].

Mr. ALLEN. Mr. President, I desire to submit simply an observation on this question. I only wanted to say that in my judgment the logic of the honorable Senator from New Hampshire [Mr. CHANDLER] will not bear inspection. He objects to the adoption of this amendment of the Senator from Georgia because he says that there are other clerks in the Post-Office and in other Departments who should be reclassified. If that is true, the reclassification of all these different clerks should come upon this bill, not only the reclassification of the clerks mentioned in the amendment of the Senator from Georgia but the reclassification of the clerks in the post-offices proper. Because the adoption of this amendment would lead to the adoption of other amendments which are in the right direction is no reason why a point of order should be raised against this amendment or an objection made to its adoption.

Another thing the Senator from New Hampshire finds which he believes to be an insuperable objection to the adoption of this amendment is that it is general legislation. Mr. President, there are as many rulings in this body on the subject of general legislation as there have been occupants of the chair. Each one of them is contradictory of the other. I dare venture the remark that the ruling that will be made by the Chair to-day will be overruled inside of a week by some other occupant of the chair.

No one has ever yet, since I have been a member of this body, defined the distinction between general and special legislation. That is a mere work of caprice. If the occupant of the chair does not want an amendment adopted, he sustains the point of order; if he is in favor of its adoption, he overrules the point of order, and a vote is taken upon it.

Mr. President, anything that pertains to the subject of post-offices and post-roads is germane to this bill, and is not general legislation. I venture the remark that there has not been an appropriation bill adopted in this Senate for twenty years that has not carried with it general legislation. The Senator from New Hampshire can not point to one of the dozen or more appropriation bills that are passed annually by Congress that does not carry upon it general legislation that is entirely foreign to the title or the purpose of the bill. Of course, the objection is made simply to stifle the accomplishment of this act of justice to this class of clerks.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken. The Secretary will read the clause from the first section of Rule XVI.

The Secretary read as follows:

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The PRESIDING OFFICER. The Chair understands that this item is not estimated for; that it is not moved by direction of a standing or select committee, and that it increases an item of appropriation already contained in the bill.

Mr. WOLCOTT. Mr. President, I desire to say to the Senator from Georgia [Mr. CLAY], who comments upon the unfairness of this appropriation bill, and to the Senator from South Carolina [Mr. TILLMAN], who, as I understand, also comments upon its unfairness, that if they desire to move to strike out the increases which the Senate has put in this bill, I stand ready to meet them.

Mr. TILLMAN. I will do that. Let us put it back as the law is now.

Mr. WOLCOTT. There are changes made in the existing law in the bill as it came from the other Chamber; for instance, there is the provision, on page 18, line 22, for "938 clerks of class 4b, at \$1,200 each; 694 clerks of class 4a, at \$1,150 each." If the rates proposed are thought to be too high, the Senator can go back and move to change them.

Mr. TILLMAN. If the Senator will accept such an amendment, I will move it.

Mr. CLAY. Will the Senator permit me?

Mr. TILLMAN. But I want to get the House back to the law. Let the Senate go back to the law and let the House go back to the law and let the question of the Railway Mail Service and the reclassification of the clerks stand on its own merits, and not let part of them get an increase of one hundred or two hundred dollars and leave the balance out in the cold. Let the fight be made to have the whole service reorganized and reclassified, and let justice be done to all or let none of them get any increase.

I will move to strike out the Senate amendments increasing the number, and then I will move to strike out the House amendment increasing the salaries.

Mr. CLAY. Will the Senator from Colorado yield to me just a moment?

Mr. WOLCOTT. Certainly.

Mr. CLAY. Mr. President, I desire to say, in reply to the interrogatory of the Senator from Colorado, that I am in favor of the reclassification act in its entirety. I believe that the Post-Office Department recommended wisely when it recommended its adoption. This amendment will simply embody in this bill a part of that recommendation. I am in favor of the entire thing. The amendment proposed by the Senate Committee on Post-Offices and Post-Roads goes to the lower grade, and if you simply strike out the amendments of the Senate committee you destroy the only benefit that the lower grade receives at all from this bill. It would be undoubtedly a great injustice to strike out that and to leave in the House provision.

Now, so far as I am concerned, I desire to be perfectly consistent. As I have said before, I am in favor of the reclassification act, and I meant just what I said.

Mr. MASON. Mr. President, it would be a mere waste of time to attempt to reconsider the amendments made by the committee. They were made after due investigation. I am in favor, as a member of the committee, of the new classification, but it seemed at the time that we did not have a majority of the committee to report that bill, and it is new legislation; but there was a way suggested without violating any existing law in which there might be a change, by consolidating the two classes as explained by the chairman of the committee. That was recommended by the Post-Office Department. It would be almost worse than childish to attempt to undo what we have done.

Mr. WOLCOTT. I do not care to discuss the matter further. The amendments of the committee having been adopted, I move that the—

Mr. TILLMAN. I thought the Senator was willing to strike out the Senate amendments and the House amendments to the bill.

Mr. WOLCOTT. I was willing that the Senator should move the amendment.

Mr. TILLMAN. I am willing to move it and let it be voted on; and I do move it.

The PRESIDING OFFICER. What is the Senator's amendment?

Mr. WOLCOTT. Yes; what is the amendment?

Mr. TILLMAN. To strike out the Senate amendments increasing the number and then the House provision which increases the salaries of certain clerks without giving a reclassification. I do not know where to put the phraseology or how to put it, as I have not had time to examine the bill carefully.

The PRESIDING OFFICER. The clerks can not understand the amendment in the way in which it is proposed.

Mr. TILLMAN. This matter sprung up here without my having had a chance to prepare the amendment. I would not be willing to have the Senate amendment reconsidered unless the House provision was stricken out, too.

Mr. MASON. I hope the Senator will withdraw his motion. It would simply reopen the whole bill for discussion.

Mr. TILLMAN. It amounts simply to this: The Committee on Post-Offices and Post-Roads would not report the classification bill and give the Department the chance to do this thing decently and in order. They come in here and report some increases on those that are already high up on the list, and the House has already reported an increase of those high on the list. The reclassification is done arbitrarily and without any regularity, or, as I can see, any orderly supervision by the superintendent who knows who is properly being compensated now.

Mr. MASON. But there is no violation of existing law.

Mr. TILLMAN. There is violation of existing decency and honesty in the business.

Mr. MASON. That is the judgment of the Senator. We do not admit that he is the sole judge.

Mr. TILLMAN. I do not claim to be. I express my opinion, however.

Mr. MASON. You always have that delightful opportunity, and you never fail to express it.

The PRESIDING OFFICER. The Senator from South Carolina must either reduce his motion to writing or inform the Secretary of the particular amendment which he desires to have made.

Mr. TILLMAN. As I have just informed the chairman, I do not know that I can state the amendment unless he will give me some little time to look the matter up and prepare the amendment, by letting the matter go over until to-morrow.

Mr. WOLCOTT. Oh, no.

The PRESIDING OFFICER. The Chair doubts whether a motion to reconsider the amendment is now technically in order, more than two days having elapsed since it was adopted. It is not in order at this stage, but when the bill comes into the Senate the question will be on concurrence in all the amendments adopted as in Committee of the Whole.

Mr. WOLCOTT. I will speak to the Senator from South Carolina as to the form of the amendment.

Mr. KENNEY. Mr. President, I desire to say a word in connection with this discussion. As a member of the Post-Offices and Post-Roads Committee I was present and attended every session of the committee when this bill was under consideration. I made as strong an effort as I could to have the classification proposition, as offered by the Senator from Georgia as an amendment here, adopted. I went further. I endeavored to have adopted as a part of the bill, as an amendment to it by the Post-Offices and Post-Roads Committee, the bill for the reclassification of the Post-Office clerks as well.

I think the members of the Senate who have been discussing this matter are not quite advised as to the exact status of the case. When the bill came from the House and was referred to the Committee on Post-Offices and Post Roads, the committee found increases of salary as stated by the distinguished chairman of the committee. The committee, failing to get a reclassification as provided for by this amendment, did the next best thing they could do, and that was to add to the clerks of the lower class—the class of clerks who are drawing the lower salaries—a certain amount, to which the distinguished Senator from Georgia called the attention of the Senate as the only benefit that came to the lower grade of clerks.

It seems to me it would be a great outrage upon these men to move to strike out that amendment put on by the Senate.

Mr. TILLMAN. Mr. President—

Mr. KENNEY. One minute. We have proceeded to increase the salaries of the clerks on a line of reclassification, and we have accomplished thus much so far. If we leave it stand as it is today, next year we can get the balance of them taken care of, and in that way discharge our duty to everybody.

Mr. TILLMAN. Will the Senator give us assurances that his committee, or by his efforts, he, at least, will next year undertake to do the fair thing by those who are now left out in the cold? I can see some reason why we should not reduce the pay of those who have been taken care of. The only thing I am complaining of is the injustice, unfairness, and inequality here.

Mr. KENNEY. I agree with the Senator in every particular; and I do promise him, so far as I am concerned, that I shall do all I can to bring about a complete reorganization of the classification.

Mr. WOLCOTT. I beg to suggest to the Senator from South Carolina that until this year the railway postal clerks were appropriated for in a lump sum, in this language:

For railway post-office clerks, \$8,765,000.

This year we segregate them into classes, so as to appropriate for a specific number in each. If, therefore, we should strike out the Senate increases, that could be definitely accomplished, because we know how many we increased; but if the Senator followed up his motion, as he necessarily would have to do, by a motion to strike out the House amendment raising, we would have to change the whole character and phraseology of the bill and have experts, and segregate from the lump sum enough to account for the number of clerks included in this bill at the lower salaries.

In view of the statement made by the Senator from Delaware and the Senator from Georgia, in which opinion I share, I suggest to the Senator that, for the purpose of facilitating the passage of this bill at this time, he withdraw the proposed amendment.

Mr. TILLMAN. In view of the fact that the Senator who is in charge of the bill says we can not reach the House amendments because of the phraseology of the provision, and therefore our hands are tied, so far as concerns reducing that without remodeling the bill, I will have to submit and withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The SECRETARY. On page 18, lines 7 and 8, strike out the words "thirty-three million eight hundred and seventy thousand dollars" and insert in lieu thereof "\$30,483,000; and the Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1900, for the transportation of mails on railway routes by reducing the compensation to all railroad companies for the transportation of mails at least 10 per cent per annum from the rate fixed in section 4002 of the Revised Statutes, as amended by act of July 12, 1876, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes,' and as further amended by act of June 17, 1878, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes,' for the transportation of mails on the basis of the average weight; and the above amount appropriated shall cover full compensation for railway mail transportation."

Mr. WOLCOTT. This is the same amendment identically that was offered when the bill was in the Senate as in Committee of the Whole and upon which we voted. I ask the Senator from North Carolina if this is not the same amendment?

Mr. BUTLER. It is exactly the same amendment, but we have some new information since. We did not know that there had been any recommendation made by the statistician of the commission in favor of a reduction. Now, I will ask the chairman of the commission if that is not true?

Mr. WOLCOTT. It is partially true and partially not true. The statistician of the railway mail commission said that, in his opinion, the dense routes were paid too much, with the testimony already produced; that he was of opinion—I am stating it from memory—that there could be a horizontal reduction of 5 per cent.

Mr. BUTLER. On all roads?

Mr. WOLCOTT. On everything. Then he stated that before he could reach a definite conclusion it was essential that more testimony be taken as to the volume of mail that could be carried in postal railway cars and upon other subjects. I am stating it very crudely, but I am stating the substance exactly. In other words, up to this time he thought there might be a reduction of 5 per cent, but he felt that we did not have enough testimony to act upon evidence in making the recommendation.

Mr. BUTLER. There can be a reduction of 5 per cent on all roads and a greater reduction on those which carry large amounts of mail.

Mr. WOLCOTT. No; but he thought there should be a gradation on those carrying from 20,000 pounds up. But it is all tentative, and it was not a final conclusion at all. It was not such that the commission felt at liberty to act upon it, because the expert himself testified that we had not testimony enough to base it upon evidence.

Mr. PETTIGREW. I should like to ask a question. Did he make the statement at the time he made his recommendation or afterwards? Was it on reconsideration?

Mr. WOLCOTT. Oh, no; I mean in the same examination. The subsequent examination I have never read. The subsequent examination modified or changed that somewhat. I did not hear all of it. I have not gone over it myself, but in the same report, I assure the Senator, in which he made the recommendation he also stated that we did not have testimony enough to base any recommendation upon the evidence.

Mr. BUTLER. I should like to ask the Senator if he did not also in his conclusion say it was evident there ought to be a reduction?

Mr. WOLCOTT. No; he said he thought the statistics showed that the dense routes were being overpaid; but whether out of the total or whether at the expense of the light-carrying roads he did not state.

Mr. BUTLER. A reduction of 5 per cent horizontally on all the roads, and then a graduated reduction on roads that carry a large amount of mail would make a greater reduction than this amendment provides. It would make a reduction of more than 10 per cent. That is clear to everybody.

Now, on the sparse-carrying roads, the roads that carry the least mail, he was of opinion that we ought to have 5 per cent reduction, and then scaling up, up, up on the roads that carry a large amount. Take the mail in this country and that will make clearly a reduction of over 10 per cent, and therefore on the recommendation we have and on the information we have it is a greater reduction than this amendment provides for. I am sorry we have not the report of the commission. I have been begging for it each year, trying to get it. But the information we have from the partial report, which is direct and authentic, and which the chairman admits, shows that this amendment is inside of the bounds.

Mr. PETTIGREW. Mr. President, there has been a feeling among a great many people for a long time that there ought to be a reduction of railway-mail pay. Two years ago we appointed a commission to investigate this subject, and it appears that the expert whom they employed recommended that a reduction of 5 per cent be made, that the testimony already received and the information already secured warranted that much of a reduction. As I understand it, he believes a further investigation might lead to a further reduction and a different adjustment; that he was warranted in recommending a 5 per cent reduction on the roads that carry the greatest bulk of mail.

These two items together would make a reduction, in my opinion, of over three million. Five per cent would certainly make a reduction of over a million and a half. It seems to me that this sum is worth saving to the Treasury of the United States; and under these circumstances and in the face of this recommendation—all, it appears, we have been able to get out of this commission—the Senate ought to adopt this amendment and save this sum to the Treasury. I believe that the amount paid to the railroads for carrying the mails of the United States is \$20,000,000 a year in excess of the amount of money it is worth to do the service they perform.

I am thoroughly convinced, after investigating the matter for several years, that I am well within the bounds of reasonable compensation, and I base my conclusion largely upon the fact that they carry express matter on the same trains for about one-tenth per pound what they charge for carrying mail matter, and if they should carry the mail at the same rate they carry express the reduction would be far more than \$20,000,000; it would be somewhere in the neighborhood of \$30,000,000. Now, we ask simply to save a little over three million of this excessive sum to the Treasury, and it seems to me it is reasonable and proper that it should be done, and then let the commission go on and furnish further evidence for the other proper reductions which must follow unless the Government is to pay an excessive sum for this service.

Mr. BUTLER. Mr. President, it has been twenty-two years since there has been a reduction of railway-mail pay. During that twenty-two years the quantity of mail matter has nearly trebled. Therefore the quantity of matter that we furnish the roads would justify a 10 per cent reduction in the amount paid. The great volume that we give them to carry would justify this reduction. But during those twenty-two years passenger rates have been reduced from 20 to 30 per cent, freight rates have been reduced from 30 to 50 per cent. There is no reduction here, while the quantity of mail has nearly trebled. Even if there had been no reduction in freight rates, if there had been no reduction in passenger rates, there ought to be this much reduction on account of the quantity of mail the Government sends over the roads.

Mr. President, this amendment does not propose half the reduction that justice demands. It is inside the mark safely, and every man who favors any reduction at all and who has thought of it must feel that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. PETTIGREW].

Mr. BUTLER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN]. If he were present, I should vote "nay."

Mr. TURLEY (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. TURNER's name was called). On this question the Senator from Washington [Mr. TURNER] is paired with the Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. SCOTT. I am paired with the junior Senator from Florida [Mr. TALIAFERRO]. Otherwise I should vote "nay."

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], and therefore withhold my vote.

Mr. FAIRBANKS. I wish to announce that my colleague [Mr. BEVERIDGE] is unavoidably detained from the Senate. I will not again make the announcement during the day.

Mr. CAFFERY. I wish to inquire whether the Senator from Michigan [Mr. BURROWS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. CAFFERY. Being paired with that Senator, I withhold my vote.

The result was announced—yeas 16, nays 33; as follows:

YEAS—16.

Allen,	Culberson,	Lindsay,	Teller,
Bate,	Gallinger,	Morgan,	Tillman,
Butler,	Harris,	Pettigrew,	Vest,
Chandler,	Heitfeld,	Pettus,	Wellington.

NAYS—33.

Allison,	Hanna,	McMillan,	Sewell,
Bard,	Hansbrough,	Mason,	Shoup,
Carter,	Hawley,	Money,	Stewart,
Clay,	Hoar,	Nelson,	Sullivan,
Deboe,	Jones, Nev.	Perkins,	Thurston,
Elkins,	Kean,	Platt, Conn.	Wolcott.
Fairbanks,	Kyle,	Platt, N. Y.	
Foster,	Lodge,	Quarles,	
Gear,	McBride,	Ross,	

NOT VOTING—37.

Aldrich,	Cullom,	McCumber,	Simon,
Bacon,	Daniel,	McEnery,	Spooner,
Baker,	Davis,	McLaurin,	Taliaferro,
Berry,	Depew,	Mallory,	Turley,
Beveridge,	Foraker,	Martin,	Turner,
Burrows,	Frye,	Penrose,	Warren,
Cary,	Hale,	Pritchard,	Wetmore.
Chilton,	Jones, Ark.	Proctor,	
Clark,	Kenney,	Rawlins,	
Cockrell,	McComas,	Scott,	

So Mr. PETTIGREW's amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SOLDIERS' HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

The PRESIDING OFFICER. There being no unfinished business before the Senate, it is unnecessary for the Senator from North Dakota to ask unanimous consent. The Senator from North Dakota moves that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That sections 2304 and 2305 of the Revised Statutes be, and the same are hereby, amended to read as follows:

"SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the rebellion for ninety days, and who was honorably discharged and has remained loyal to the Government, and every private soldier and officer who has served in the Army of the United States during the Spanish war, or who has served, is serving, or shall have served in the said Army during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged; and every seaman, marine, and officer who has served in the Navy of the United States or in the Marine Corps during the Spanish war, or who has served, is serving, or shall have served in the said forces during the suppression of the insurrection in the Philippines for ninety days, and who was or shall be honorably discharged, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

"SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps, shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements."

Mr. HANSBROUGH. I am directed by the Committee on Public Lands to offer an amendment in the form of section 2.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. Insert at the end of the amendment, as section 2, the following:

SEC. 2. That the provisions of section 2306 of the Revised Statutes of the United States shall not apply to persons who served in the Spanish war or in the suppression of the insurrection in the Philippines.

Mr. STEWART. I should like to have an explanation of the amendment just offered.

Mr. HANSBROUGH. The amendment which I have just offered is in lieu of a section under which soldiers' scrip has been issued heretofore. The object of the committee was to provide against the issuance of scrip to the soldiers of the Spanish war.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. I offer an amendment to come in as section 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add as section 3, at the end of the bill as amended, the following:

SEC. 3. That the title acquired by the town-site occupants and all others under and by virtue of the soldiers' additional homestead entry of lot 1 of section 18, in township 10 south, range 84 west of the sixth principal meridian, adjoining the patented town site of Aspen, in the State of Colorado, is hereby confirmed: *Provided*, That no valid adverse claim existed when the entry was made.

The PRESIDING OFFICER. This amendment is not technically in order. Is there objection to its being received? The Chair understands that it is to be received as an amendment to what has already been adopted.

Mr. TELLER. I have offered it as a separate section.

Mr. HANSBROUGH. It will be a separate section, section 3.

Mr. TELLER. It is in order as a separate section.

The PRESIDING OFFICER. If there be no objection, it will be accepted. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. TELLER. I wish to put in the RECORD, as the bill is to go back to the House, a certificate from the General Land Office and a letter from a prominent gentleman of Aspen, so that the House may be acquainted with the facts.

The PRESIDING OFFICER. If there be no objection, the papers referred to will be received and inserted in the RECORD without reading.

The papers referred to are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 26, 1900.

I, Binger Hermann, Commissioner of the General Land Office, do hereby certify that the annexed copy of release signed by James M. Dills, mayor of the city of Aspen, Colo., in the matter of soldiers' additional homestead entry No. 85, is a true and literal exemplification of said paper on file in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

BINGER HERMANN,
Commissioner of the General Land Office.

Whereas the city of Aspen, in the State of Colorado, by Thomas Latta, mayor pro tempore, filed its protest in the United States Land Office against the soldiers' additional homestead entry made by Edgar W. Ensign, of lot 1, in section 18, township 10 south, range 84 west, at the Glenwood Springs (Colo.) land office, and containing 13.80 acres, more or less; and whereas the title of the said Edgar W. Ensign in and to the surface of all town lots within said tract of land has been conveyed since the date of said entry to the mayor of the said city of Aspen, in trust for the occupants thereof according to their respective interests: Now, therefore,

The said city of Aspen, by its mayor, James M. Dills, in consideration of said conveyance, does hereby release unto the United States all its claim to the said described tract of land and withdraws all opposition to the entry thereof by the said Ensign.

Signed and sealed this 14th day of March, A. D. 1894.

THE CITY OF ASPEN, COLO.
By JAMES M. DILLS, Mayor.

No. 100.

NOTARY'S ACKNOWLEDGMENT.

STATE OF COLORADO, County of Pitkin, ss:

I, Edgar Stallard, a notary public in and for said county, in the State aforesaid, do hereby certify that James M. Dills, mayor of the city of Aspen, Colo., who is personally known to me to be the person whose name is subscribed

to the annexed release, appeared before me this day in person and acknowledged that he signed, sealed, and delivered the said instrument of writing as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this 12th day of April, A. D. 1894.

My commission expires February 21, 1897.

[SEAL.]

EDGAR STALLARD, Notary Public.

ASPEN, COLO., February 23, 1900.

DEAR SENATOR: In reply to your recent letter requesting my views upon a proposed amendment to Senate bill No. 156, I would say that such legislation is, in my opinion, desirable and necessary in several cases. In this city, adjoining the already patented town site, the town improvements extended over the greater part of a fractional subdivision containing some 10 or 12 acres, which was subsequently entered with soldier's additional homestead scrip, so called, and the title thus acquired was conveyed by the scribee to the mayor, in trust for the town-site occupants, according to their respective interests. The proposed legislation would in effect confirm the title of such occupants, if no valid adverse claim to the tract existed when the entry was made, and I know of none.

Very respectfully,

J. M. DOWNING.

Hon. H. M. TELLER, United States Senate.

Mr. CARTER. I ask the Senator from South Dakota to allow the bill to go over until to-morrow. I have an amendment to present to the bill, which is authorized by the Committee on Public Lands to be attached to the bill, but I have not the amendment here at this moment. The bill has been read and amended, and is ready to be put on its passage. I ask the Senator to let it go over until to-morrow.

Mr. HANSBROUGH. In view of what the Senator from Montana says, I feel obliged to allow the bill to go over. I know that the amendment he proposes will be a very important one.

The PRESIDING OFFICER. The further consideration of the bill will be postponed until to-morrow.

SIoux CITY AND PACIFIC RAILROAD.

Mr. ALLISON. I ask the Senate to proceed to the consideration of a bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

Mr. PETTIGREW. I object to the consideration of the bill at this time.

The PRESIDING OFFICER. One objection does not carry the bill over. The Senator from Iowa moves that the Senate proceed to the consideration of the bill.

Mr. ALLISON. I would be glad to have the bill taken up, unless there is some special reason why it should go over.

Mr. PETTIGREW. I do not know that I shall object after to-morrow or the next day. I wish to examine the bill. I think twenty-four hours will be all I shall want. Then I shall not object to the consideration. I do not know that I shall favor the bill.

Mr. ALLISON. Very well; I will not press it now.

The PRESIDING OFFICER. The Senator from Iowa withdraws his motion.

THE NICARAGUA CANAL.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans.

Mr. LODGE. I understand—

The PRESIDING OFFICER. The motion is not debatable.

Mr. LODGE. I understand if that bill is taken up it will become the unfinished business of the Senate.

The PRESIDING OFFICER. It will.

Mr. LODGE. I shall have to ask for the yeas and nays on the motion of the Senator from Alabama.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to proceed to the consideration of the Nicaraguan Canal bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]. I transfer that pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. McBRIDE (when Mr. SIMON's name was called). My colleague [Mr. SIMON] is absent from the Chamber. If he were present, he would vote "yea."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER], and therefore I withhold my vote.

Mr. HEITFELD (when Mr. TURNER's name was called). The

senior Senator from Washington [Mr. TURNER] is paired with the senior Senator from Wyoming [Mr. WARREN].

The roll call was concluded.

Mr. BERRY. On this question I am paired with the Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. JONES of Arkansas], and vote "yea." If the Senator from Maine were present, he would vote "nay."

Mr. HANSBROUGH. I will transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the senior Senator from Kansas [Mr. BAKER], and vote. I vote "nay."

Mr. BATE (after having voted in the negative). I wish to know if the senior Senator from Kentucky [Mr. DEBOE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BATE. I withdraw my vote.

Mr. BACON (after having voted in the affirmative). I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE]. I desire to suggest to the Senator from West Virginia [Mr. SCOTT], who is paired with the junior Senator from Florida [Mr. TALIAFERRO], that we transfer our pairs so that each may vote.

Mr. SCOTT. Very well.

Mr. BACON. The Senator from West Virginia consents to that arrangement, and therefore my vote will stand.

Mr. SCOTT. I vote "nay."

The result was announced—yeas 21, nays 28; as follows:

YEAS—21.

Allen,	Culberson,	McBride,	Pettus,
Bacon,	Foster,	Mason,	Sullivan,
Bard,	Harris,	Money,	Tillman,
Berry,	Hawley,	Morgan,	
Butler,	Heitfeld,	Nelson,	
Clay,	Kyle,	Perkins,	

NAYS—28.

Allison,	Gear,	McComas,	Scott,
Burrows,	Hanna,	McMillan,	Sewell,
Caffery,	Hansborough,	Pettigrew,	Shoup,
Carter,	Hoar,	Platt, Conn.	Teller,
Chandler,	Kean,	Platt, N. Y.	Thurston,
Fairbanks,	Lindsay,	Quarles,	Vest,
Gallinger,	Lodge,	Ross,	Wolcott.

NOT VOTING—37.

Aldrich,	Deboe,	McEnery,	Stewart,
Baker,	Depew,	McLaurin,	Taliaferro,
Bate,	Elkins,	Mallory,	Turley,
Beveridge,	Foraker,	Martin,	Turner,
Chilton,	Frye,	Penrose,	Warren,
Clark,	Hale,	Pritchard,	Wellington,
Cockrell,	Jones, Ark.	Proctor,	Wetmore.
Cullom,	Jones, Nev.	Rawlins,	
Daniel,	Kenney,	Simon,	
Davis,	McCumber,	Spooner,	

So the Senate refused to proceed to the consideration of the bill.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 22, 1900, at 12 m.

NOMINATIONS.

Executive nominations received by the Senate May 21, 1900.

POSTMASTER.

Henry L. Eads, to be postmaster at Pattonsburg, in the county of Daviess and State of Missouri, in the place of John H. Heath, deceased.

ASSISTANT SURGEON IN THE NAVY.

Charles Norman Fiske, a citizen of Massachusetts, to be an assistant surgeon in the Navy, from the 15th day of May, 1900, to fill a vacancy existing in that corps.

SECRETARY OF PORTO RICO.

William H. Hunt, of Montana, to be secretary of Porto Rico, under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, to fill an original vacancy.

DISTRICT JUDGE.

John R. Hazel, of New York, to be United States district judge for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and

the officers thereof, and the disposition of pending causes," approved May 12, 1900.

UNITED STATES ATTORNEYS.

Charles H. Brown, of New York, to be attorney of the United States for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes," approved May 12, 1900.

George B. Curtiss, of New York, to be attorney of the United States for the northern district of New York, an original appointment under the provisions of the act of Congress entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes," approved May 12, 1900.

UNITED STATES MARSHALS.

William R. Compton, of New York, to be marshal of the United States for the western district of New York, an original appointment under the provisions of the act of Congress entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes," approved May 12, 1900.

Theodore L. Poole, of New York, to be marshal of the United States for the northern district of New York, an original appointment under the provisions of the act of Congress entitled "An act to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein, and the officers thereof, and the disposition of pending causes," approved May 12, 1900.

Frank M. Chandler, of Ohio, to be marshal of the United States for the northern district of Ohio, vice Matthias A. Smalley, whose term expired February 17, 1900.

CONSUL.

Thornwell Haynes, of South Carolina, to be consul of the United States at Rouen, France, vice Thomas T. Prentis, appointed consul at Batavia, Java.

REGISTER OF LAND OFFICE.

Lon E. Foote, of Arriba, Colo., to be register of the land office at Hugo, Colo., vice Frederick C. L. Hachenberger, removed.

RECEIVER OF PUBLIC MONEYS.

William R. Edwards, of Fargo, N. Dak., to be receiver of public moneys at Rampart City, Alaska, vice Nicholas J. Trodo, resigned. (New Rampart City land office.)

WITHDRAWAL.

Executive nomination withdrawn May 21, 1900.

William H. Hunt, of Montana, having been this day nominated as secretary of Porto Rico, his nomination as agent of the United States under the conventions for a claims commission concluded between the United States and Chile, August 7, 1892, and May 27, 1897, which nomination was sent to the Senate on May 3, 1900, is hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 21, 1900.

SECRETARY OF PORTO RICO.

William H. Hunt, of Montana, to be Secretary of Porto Rico.

CONSULS.

Charles S. Winans, of Michigan, to be consul of the United States at Iquique, Chile.

Harry P. Dill, of Maine, to be consul of the United States at Port Hope, Ontario, Canada.

Ernest A. Wakefield, of Maine, to be consul of the United States at Orillia, Ontario, Canada.

POSTMASTERS.

Willis A. Pitre, to be postmaster at Westlake, in the county of Calcasieu and State of Louisiana.

Perry C. Hill, to be postmaster at Virden, in the county of Macoupin and State of Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, May 21, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

CIRCUIT AND DISTRICT COURTS AT SUPERIOR, WIS.

The SPEAKER laid before the House the bill (H. R. 11031) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis., with Senate amendments, which were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

RETURN OF BILL TO SENATE.

The SPEAKER also laid before the House the following request of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, May 17, 1900.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the Senate 283, entitled "An act in reference to the civil service and appointments thereunder."

CHANGE OF REFERENCE.

By unanimous consent, the following change of reference was made from the Committee on the Public Lands to the Committee on Indian Affairs:

A bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for land in certain cases.

FINAL ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I offer the following privileged resolution, which I asked to have read and referred to the Committee on Ways and Means.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Wednesday, the 6th day of June, at 3 o'clock p. m.

The SPEAKER. Referred to the Committee on Ways and Means. [Applause.]

EIGHT-HOUR LAW.

Mr. GARDNER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill 6882, with committee amendments.

The SPEAKER. The gentleman from New Jersey, chairman of the Committee on Labor, moves to suspend the rules and pass with amendments the following bill:

The Clerk read as follows:

A bill (H. R. 6882) limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

Be it enacted, etc., That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of \$5 for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

Amend the title so as to read: "A bill limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes."

Mr. RICHARDSON. I demand a second.